

1 House BILL NO. 119
 2 INTRODUCED BY Johnson Palmer Kemmis Edlis
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE ONE
 5 HUNDRED THOUSAND DOLLARS (\$100,000) TO FUND A HEALTH STUDY
 6 OF CERTAIN POTENTIALLY HAZARDOUS AIR POLLUTION EFFECTS."

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 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Funding. The sum of one hundred thousand
 10 dollars (\$100,000) is hereby appropriated to the department
 11 of health and environmental sciences (DHES) to fund a health
 12 study of certain potentially hazardous air pollution effects
 13 in accordance with section 69-3909.1 (6), R.C.M. 1947.

14 Section 2. Purposes. The purpose of the study shall
 15 be to determine what adverse effects, if any, certain
 16 potentially hazardous air pollutants (possibly including
 17 water vapor) have had or are having on the health of
 18 Montanans.

19 Section 3. Conduct of study. (1) The study shall be
 20 conducted under contract to the university of Montana as
 21 provided for in section 69-3909.1 (5), R.C.M. 1947.

22 (2) DHES shall finalize this contract and relinquish
 23 control of the full appropriation within two (2) weeks of
 24 this act's passage.

25 (3) The university of Montana in turn, within two (2)

1 weeks of finalizing the contract with DHES, shall:

2 (a) Contract for a sum of fifty thousand dollars
 3 (\$50,000) with the Missoula city-county health department to
 4 do a core health study designed and supervised by the
 5 Missoula health officer;

6 (b) Appropriate a sum of fifteen thousand dollars
 7 (\$15,000) to university of Montana's student health service
 8 and contract for a sum of fifteen thousand dollars (\$15,000)
 9 with Montana state university's student health service, both
 10 sums to enable similar, coordinated, ancillary health
 11 studies;

12 (c) Appropriate a sum of ten thousand dollars
 13 (\$10,000) to university of Montana's student environmental
 14 research center for a third but differing ancillary health
 15 study; and

16 (d) Appropriate a sum of ten thousand dollars
 17 (\$10,000) to university of Montana's environmental studies
 18 program to provide all necessary additional services
 19 required in support of the overall health study.

20 (4) Any portion of the sum appropriated to the
 21 university of Montana's environmental studies program which
 22 is unspent at the conclusion of the study shall be credited
 23 toward the program's next regular appropriation.

24 Section 4. Focus of study. (1) The overall health
 25 study shall focus upon air pollution's adverse health

1 effect, if any, upon Missoula valley residents. Close
 2 attention shall also be paid to possible ramifications
 3 applicable to other sectors of the state; and research done
 4 outside the state shall be utilized wherever appropriate.

5 (2) The overall study shall pay special, but not
 6 exclusive, attention to the adverse effects, if any, of
 7 sulfates on certain noticeably affected segments of the
 8 population. The kinds of sulfates studied, if done on any
 9 selective basis, shall include not only heavy metal sulfates
 10 but also sodium sulfate and sulfuric acid or scientifically
 11 acceptable proxies.

12 Section 5. Study not to be limited. The character of
 13 the overall study shall not be limited or constrained by
 14 state or federal air pollution standards, whether ambient or
 15 emission, nor by related considerations. Nor shall other
 16 extraneous factors be permitted to intrude. The researchers
 17 themselves, subject to the immediate oversight of each
 18 study's director and to the general oversight of DHES, shall
 19 determine the character and limits of their inquiries,
 20 within the bounds set forth in this act.

21 Section 6. Results of study. (1) The official
 22 results of the overall study, as released in final form, if
 23 they show adverse health effects, shall be appropriate
 24 evidence for more stringent state air pollution standards
 25 and for possible additional air pollution control

1 requirements, whether state or local.

2 (2) If the official results of the overall study show
 3 no adverse health effects, they shall not in any way be
 4 construed as a justification for relaxing existing state air
 5 pollution standards or controls, which are based on already
 6 established evidence not at issue in the inquiry funded by
 7 this act.

8 Section 7. Duration and future funding. (1) The
 9 tentative duration of the overall study shall be the three
 10 years 1975-77 inclusive, but no precise cutoff date shall be
 11 imposed.

12 (2) All appropriated and contracted-for sums under
 13 this act shall be budgeted for final expenditure by January
 14 1, 1977.

15 (3) Any continuation of the overall study after the
 16 one hundred thousand dollars (\$100,000) herein appropriated
 17 is spent or credited back to the state, if to be funded by
 18 the state, shall require a new appropriation from the
 19 legislature or a new budgetary allocation from DHES.

20 Section 8. Supervision of study. (1) The several
 21 segments of the overall study shall be supervised by the
 22 heads of the participating agencies or their nominees, the
 23 latter subject to DHES approval.

24 (2) The head of each study shall be free to spend his
 25 enabling funds as he sees fit, subject to DHES oversight and

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1 conventional budgetary, audit, and recordkeeping procedures.

2 (3) The final version of the study shall be written
3 and certified for release, preferably prior to July 1, 1978,
4 by the Missoula health officer or his nominee, the latter
5 subject to DHES approval.

6 (4) The final version of the study, in full, shall be
7 made public immediately upon release.

8 Section 9. Follow-up of adverse health report. If the
9 final results of the study as released show an adverse
10 health effect or effects by the Missoula health officer,
11 with the concurrence of an independent authority on air
12 pollution health effects, and of DHES, or any two of these
13 three parties, DHES shall forthwith seek further
14 appropriations, grants, or other funding to initiate the
15 following:

16 (1) Consideration of more stringent statewide ambient
17 and emission standards for implicated pollutants (possibly
18 including water vapor);

19 (2) Consideration of new state-imposed, local ambient
20 and emission standards for implicated pollutants (possibly
21 including water vapor) for specific, pollution-prone locales
22 like the Missoula valley;

23 (3) Consideration of additional standards for possibly
24 implicated, currently unregulated emissions such as water
25 vapor or steam and submicron particulate, however

1 purportedly benign the parent substances involved may be;

2 (4) The tracing of studies of isotope or other means,
3 further pollution inventories, or any other measures
4 required to establish with all due speed and reasonable
5 certitude the probable major sources of any emissions or
6 atmospheric by-products (possibly including water vapor,
7 submicrons, and acid aerosols) harmful to health in the
8 Missoula valley, or by inference, anywhere else in the state
9 where comparable or more adverse conditions may prevail;

10 (5) Corrective action, based on trace studies or the
11 like against major sources of emissions shown to be
12 immediately or subsequently (after atmospheric reaction)
13 harmful to health, such action to entail immediate
14 requirement of maximum control of all implicated emissions
15 without further delay; and

16 (6) Public hearings on any of the actions stipulated
17 in subsections (1) through (5) of this section about to be
18 implemented.

19 Section 10. Powers of ruling authorities. (1) If the
20 independent authority on air pollution health effects
21 mentioned in section 9 is nominated by the surgeon general
22 of the United States or the president of the American public
23 health association, or either's delegate, DHES shall
24 compensate him for services rendered from its regular
25 budget.

1 (2) An adverse health effect, as mentioned in section
2 9 is a question of public health, as interpreted by two of
3 the three ruling authorities named in section 9.

4 (3) The number of people involved in any such effect,
5 as well as the degree of their injury, incapacity,
6 irritation, or annoyance, is a matter for two of the three
7 ruling authorities' interpretation, as to whether or not the
8 number or degree constitute an adverse impact on public
9 health as a whole.

10 (4) No consideration of the practicality,
11 availability, or affordability of controls for implicated
12 emissions or atmospheric by-products thereof may affect any
13 determination of an adverse health effect, as mentioned in
14 section 9, since it is the avowed policy of both this state
15 and the United States to provide for the absolute,
16 unqualified protection of the public health from air
17 pollution effects, as stated in section 69-3905, R.C.M. 1947
18 and section 101.b.1, 42 U.S.C. 1857 et seq.

19 (5) The absence of any adverse health effect, as
20 mentioned in section 9 shall not be construed in terms of
21 pollution control practicality, availability, or
22 affordability nor in any kindred manner for any such purpose
23 as the weakening of extant pollution control standards.

24 (6) The same considerations (subsections (2) through
25 (5)) shall in general apply to any showing of specific

1 emissions' or emission by-products' involvement in harmful
2 health effects, either as a result of this study or of
3 ensuing trace studies and the like (section 9 (4)). The
4 showing of an emission or emissions by-product's or
5 by-product's involvement in harmful health effects is a
6 showing of the same involvement by the emission or emissions
7 per se. Such findings shall be the exclusive province of
8 two of the three ruling authorities, and shall be conclusive
9 insofar as they relate to corrective measures (section 9
10 (5)).

11 Section 11. Statewide mandate. (1) The appropriation
12 provided for by this act is authorized by the clear mandate
13 in the Clean Air Act that "no charges shall be assessed
14 against the [local] jurisdiction . . ." by the state for
15 measures which seek to combat the effects of complex
16 emissions from large sources over which the state has
17 retained exclusive jurisdiction, as per section 69-3919 (6),
18 R.C.M. 1947 and Montana Air Quality Regulations, M.A.C., ch.
19 14.

20 (2) Since the health effects to be studied under this
21 act are almost certainly statewide, sulfates for example
22 occurring wherever large sulfur dioxide emissions do, which
23 now means several of the state's urban centers and soon much
24 of rural eastern Montana as well, neither the appropriation
25 provided for by this act nor the health effects study it

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1 enables shall in any way, together or separately, be
2 construed as a local program of the kind subject to a thirty
3 percent (30%) funding limitation from state sources, as
4 authorized in sections 69-3909.1 (5) and 69-3920 (1), R.C.M.
5 1947.

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