

Florida and the Cost of Regulatory Delay

This legislation would delay the creation of new safeguards and standards that hold corporations accountable and protect the public. The result would be demonstrable harm for the people of Florida.

Here is the impact of delaying just three important rules by one year:

- Delaying a rule to make our food safer: **600,816 food-poisoned Floridians per year**
- **Delaying an update to a rule reducing soot pollution causes as many as:**
 - 3,576 additional asthma attacks among children¹
 - 7,956 days of missed work or school due to air pollution-caused ailments
- **Delaying the Pre-Existing Condition Rule: 113,400 Florida Cancer Patients' Health Coverage At Risk**

Impact of Delaying a Rule To Make Our Food Safer: 600,816 Food-Poisoned Floridians Per Year

Despite the creation of a more robust system of protections since the early 20th century, there continue to be gaps in the United States' food safety systems. Experts estimate that each year 128,000 Americans are hospitalized due to a foodborne illness, and 3,000 die.² In Florida, over 1,201,633 local residents fall ill from produce-related illnesses each year.³

Congress passed and the President signed into law the FDA Food Safety Modernization Act (FSMA) in January 2011. While some provisions of the law have taken effect, the provisions of the law requiring farmers to create checklists to assure that safety procedures are followed in the production, harvesting, handling and packing of produce will not take effect until the FDA issues a rule detailing the new requirements for the industry.⁴ Each year that we delay the creation of this standard means additional suffering. While better rules will not eliminate all foodborne illnesses from produce, if half of the illnesses due to contaminated produce can be eliminated—as the FDA has estimated is possible for a comparable rule for fish⁵—then **each year of delay would mean that as many as 600,816 Florida residents, whose illnesses could have been prevented will fall ill.**⁶

Impact of Delaying Clean Air Rules

The Clean Air Act requires the EPA to periodically review the standards for pollution it has set in order to assure that they are protecting the public with an adequate margin of safety. The EPA is now a year behind in updating its standard for small particle pollution, commonly referred to as “soot.”

Sadly, the failure by the EPA to update its standards for soot pollution is not just a harmless bureaucratic holdup; it is costing lives. Diesel vehicles and coal-fired power plants are among the biggest sources of soot. Soot particles' microscopic size—1/30th the width of a human hair—allows them to bypass the

body's natural ability to expel larger particles with a cough or a sneeze. This means that soot can lodge deep within the lungs, aggravating asthma and increasing the risk of heart attack. Those with pre-existing lung or heart disease, diabetics, the elderly, and children are most at risk. Children are easily sickened by soot because of their developing lungs, smaller size, high levels of physical activity and time spent outdoors, which increases their exposure to air pollution.⁷

In Florida, each year we fail to reduce soot pollution causes as many as:

- 3,576 asthma attacks among children⁸
- 7,956 days of missed work or school due to air pollution-caused ailments

Impact of Delaying Pre-Existing Condition Rule: 113,400 Florida Cancer Patients' Health Coverage At Risk Per Year

Today in Florida, for those who do not have health insurance coverage through their employer and have a pre-existing health condition, it can be challenging to get coverage. This is because health insurance companies concerned about their bottom line often charge more or refuse to cover people who have a pre-existing condition and are therefore likely to use more health care services, making them more expensive to cover. Congress recognized this problem when it drafted and passed the Patient Protection and Affordable Care Act. Under the law, by 2014 the federal government must issue rules requiring insurers to offer coverage without regard to patients' health history. This rule will be particularly important for people with serious medical conditions. In Florida, there are 113,400⁹ new cases of cancer each year. For each year that the rule protecting patients' right to purchase health insurance is delayed due to new red tape, **these 113,400 Floridians are at risk of being denied health insurance coverage because they have cancer.**

ENDNOTES

¹ State level data is from unpublished results of a study commissioned by Earthjustice, the American Lung Association, and the Clean Air Task Force with support from the Energy Foundation. National level data is included in "Sick of Soot," see above.

² Elaine Scallan, et al, "Foodborne Illness Acquired in the United States—Unspecified Agents," *Emerging Infectious Diseases*, 17(1) (January 2011):16-22.

³ In Florida, approximately 1,201,633 people a year will be sickened by foodborne illness from produce. See Robert Scharff, "Health Related Costs from Foodborne Illness in the United States," Produce Safety Project at Georgetown University, March 2010, <http://www.producesafetyproject.org/admin/assets/files/Health-Related-Foodborne-Illness-Costs-Report.pdf-1.pdf>. In 2011, the Centers for Disease Control updated their methodology for calculating national incidents of foodborne illness. However, state-by-state data based on the 2011 figure is not yet available. Because the change in methodology resulted in a lower figure for 2011, forthcoming state-level estimates are expected to be lower.

⁴ The FDA Food Safety Modernization Act (Pub. Law 111-353) requires the FDA to create a rule to "establish science-based minimum standards for safe production and harvesting of . . . fruits and vegetables." The Act required that a draft of the rule be available for public comment in January of this year and that the agency begin enforcing the final rule one year after the period for public comment has closed, approximately March of 2013.

⁵ For FDA's estimate of the number of illnesses that would be prevented by the application of a similar rule, the Hazard Analysis and Critical Control Points (HACCP) Standard for seafood processors, see Federal Register, December 18, 1995, pp. 65185-7.

⁶ Robert Scharff, p. 15. Of the 1,201,633 cases of foodborne illness from produce each year in Florida, the produce rule would prevent approximately half, over 600,816, of these cases. Figures based on latest available state data. Forthcoming state-level figures for total number of illnesses are expected to be lower based on methodological change described in endnote 2, above.

⁷ American Lung Association, Clean Air Task Force, and Earth Justice, "Sick of Soot: How the EPA Can Save Lives By Cleaning Up Fine Particle Air Pollution," <http://www.catf.us/resources/publications/view/159>.

⁸ State level data is from unpublished results of a study commissioned by Earthjustice, the American Lung Association, and the Clean Air Task Force with support from the Energy Foundation. National level data is included in "Sick of Soot," see above.

⁹ American Cancer Society, "Cancer Facts and Figures 2011,"

<http://www.cancer.org/acs/groups/content/@epidemiologysurveillance/documents/document/acspc-029771.pdf>