

HB419 INTRODUCED



1 EH7A29-1
2 By Representative Cole
3 RFD: State Government
4 First Read: 02-May-23
5
6 2023 Regular Session



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SYNOPSIS:

This bill would require the State Health Officer to issue an advisory regarding the consumption of fish when deemed appropriate.

This bill would require the State Health Officer to establish a panel to consider and advise upon fish consumption advisories.

This bill would require the Alabama Department of Environmental Management to regularly evaluate fish species for pollutants.

This bill would require the Alabama Department of Environmental Management to post signage at access areas adjacent to waters with an active fish consumption advisory.

This bill would require the Department of Conservation and Natural Resources to notify fishing license purchasers of active fish consumption advisories.

This bill would also require holders of National Pollution Discharge Elimination System permits to post signage identifying where pollution is entering the water.



HB419 INTRODUCED

29 A BILL
30 TO BE ENTITLED
31 AN ACT

32
33 Relating to consumption of fishes; to require the State
34 Health Officer to issue advisories concerning fish consumption
35 and to establish a panel to advise on and discuss this issue;
36 to require the Department of Environmental Management to test
37 fishes for pollutants and post signage at water bodies
38 notifying of an active fish consumption advisory; to require
39 the Department of Conservation and Natural Resources to notify
40 fish license purchasers of all active advisories; and to
41 require holders of National Pollution Discharge Elimination
42 System permits to post signage identifying outfalls.

43 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

44 Section 1. This act shall be known and may be cited as
45 the Safe and Healthy Outdoor Recreation Act of 2023.

46 Section 2. The Legislature finds and declares the
47 following:

48 (1) That outdoor recreation, including catching,
49 cooking, and eating fish is a fundamental way of life for
50 countless residents of this state.

51 (2) That all Alabamians should have the right to know
52 whether it is safe to consume the fish they catch.

53 (3) That outdoor recreation-related illnesses stemming
54 from contact with polluted waters and contaminated fish pose a
55 severe public health risk to the people of Alabama.

56 (4) That persons who legally discharge pollutants into



HB419 INTRODUCED

57 state waters owe a duty to the public to provide a clear and
58 concise notification of where such discharge points are
59 located.

60 Section 3. (a) The State Health Officer, in
61 consultation with the Director of the Alabama Department of
62 Environmental Management, shall issue a fish consumption
63 advisory when it is reasonable and necessary to protect public
64 health and well-being. The Alabama Department of Public Health
65 shall publish the advisory on its website in a clear and
66 concise manner and maintain a dedicated telephone number to
67 provide information related to the advisory.

68 (b) The State Health Officer shall establish an
69 advisory panel to analyze, develop, and implement the fish
70 consumption advisory program. The panel shall consist of, in a
71 number to be determined by the State Health Officer,
72 representatives from the Alabama Department of Public Health,
73 the Alabama Department of Environmental Management, the
74 Department of Conservation and Natural Resources, and any
75 other agency, business, nongovernmental organization, or
76 individual the State Health Officer determines appropriate.
77 The panel shall meet at least annually and consider tissue
78 sampling methodologies, water bodies and fish species to be
79 sampled, pollutant toxicity limits, strategies for
80 communicating consumption advisories to the public, and any
81 other subjects relevant to the program.

82 Section 4. The Alabama Department of Environmental
83 Management, in consultation with the Alabama Department of
84 Public Health, shall conduct regular fish tissue monitoring to



HB419 INTRODUCED

85 evaluate safe consumption levels of fish species. The Alabama
86 Department of Environmental Management shall annually publish
87 a report on its website, which shall be made available for
88 public comment, detailing and identifying the methodology and
89 reasoning for evaluating the species and pollutants chosen.

90 Section 5. The Alabama Department of Environmental
91 Management shall post signage at any public boat ramp or
92 fishing area adjacent to state waters with an active fish
93 consumption advisory notifying the public of this fact. The
94 signage shall include a picture and the common name of each
95 fish species with an active advisory, the recommended
96 consumption levels for humans of these species, a specific
97 warning for pregnant or nursing women, and an Internet address
98 and telephone number from which to obtain additional
99 information. The Alabama Department of Environmental
100 Management may work with other state agencies, political
101 subdivisions of the state, nongovernmental organizations,
102 private corporations, or any other organization to implement
103 this subsection.

104 Section 6. The Department of Conservation and Natural
105 Resources shall, with each issuance of an electronic fishing
106 license, notify the licensee of current fish consumption
107 advisories by providing an Internet address to access all
108 active advisories online.

109 Section 7. (a) Each holder of a National Pollution
110 Discharge Elimination System permit, as required by Chapter
111 335-6-6 of the Alabama Administrative Code, shall post signage
112 within a reasonable distance from each discharge point



HB419 INTRODUCED

113 identifying the pollution outfall into the receiving state
114 waters. The signage shall include the permit number, the name
115 of the permit holder, the names of the pollutants being
116 discharged, how to obtain more information, and any other
117 information that the Director of the Alabama Department of
118 Environmental Management deems necessary. The signage shall be
119 visible and legible to those on or near the receiving waters.
120 A good faith, documented effort by the permit holder to
121 maintain the signage shall serve as an affirmative defense for
122 its absence.

123 (b) Any holder of a permit issued, modified, or renewed
124 on or after the effective date of this act shall comply with
125 this section immediately. Each existing permit holder shall
126 comply with this section within 90 days after the effective
127 date of this act.

128 (c) A permit holder is exempt from this section if
129 compliance would be inconsistent with any other state or
130 federal law.

131 Section 8. This act shall become effective immediately
132 following its passage and approval by the Governor, or its
133 otherwise becoming law.