

Calendar No. 137

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MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT

JUNE 12, 2003.—Ordered to be printed

Mr. GREGG, from the Committee on Health, Education, Labor, and Pensions, submitted the following

R E P O R T

[To accompany S. 1015]

The Committee on Health, Education, Labor, and Pensions, to which was referred the bill (S. 1015) to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

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I. PURPOSE AND NEED FOR LEGISLATION

Public health officials are growing increasingly concerned about the spread of mosquito-borne diseases such as West Nile virus and malaria. Both diseases are spread by the bite of an infected mosquito. Both diseases can cause severe health complications and can be fatal. There is currently no vaccine for either West Nile virus or malaria.

The Centers for Disease Control and Prevention (CDC) reports that all residents of areas where West Nile virus activity has been identified are at risk of contracting West Nile encephalitis, one of the most deadly sequelae of the disease. People over 50 years of age and the immune compromised have the highest risk of severe disease.

Scientists are currently studying whether there is a link between the level of a person's overall health and his/her risk of getting severe disease. Although scientists at the National Institutes of Health (NIH) are conducting research for the development of a vaccine, there is currently no vaccine for West Nile virus. On August 21, 2002, the Food and Drug Administration (FDA) approved a national trial of alpha-interferon to determine whether it could become the first specific therapy to treat West Nile virus.

West Nile virus was first identified domestically in New York City in 1999, and in that year, the virus contributed to the death of seven people. As of January 29, 2003, 46 States have reported West Nile virus infections in mosquitoes, animals or humans. The number of human cases reported continues to rise, with CDC reporting 4007 human cases and 263 deaths as of early this year.

Mosquito-borne diseases affect millions of people worldwide annually. The CDC reports that currently the most effective way to prevent transmission of West Nile virus and other mosquito-borne disease to humans and other animals, or to control an epidemic once transmission has begun, is to reduce human exposure via mosquito control. States and local governments have established mosquito control programs to prevent and control the spread of mosquito-borne diseases. In general, these programs are primarily funded and maintained by local governments. However, many localities have not established mosquito control programs, nor have they completed a basic assessment of the need for such programs.

II. SUMMARY

S. 1015, the Mosquito Abatement for Safety and Health Act, establishes a temporary, one-time grant program for local governments or consortia thereof to implement mosquito control programs. The act establishes a grant program for States to help planning and coordination of control programs being carried out in the State. CDC is authorized to provide technical assistance to States and localities regarding the grants. NIH is authorized to enhance research on the control of vector populations responsible for transmitting human disease. Finally, the Secretary of Health and Human Services is authorized to provide a report to Congress on the use of public health pesticides, and the progress being made in ensuring a safe blood supply with respect to West Nile virus.

III. HISTORY OF LEGISLATION AND VOTES IN COMMITTEE

On May 7, 2003, Senator Gregg, for himself and Senators Breaux, Landrieu, Alexander, Lincoln, Roberts, Clinton, Warner and DeWine, introduced S. 1015, to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases, and for other purposes. On May 14, 2003, the committee held an executive session

to consider S. 1015. The committee approved S. 1015 by unanimous voice vote.

IV. EXPLANATION OF BILL AND COMMITTEE VIEWS

The committee recognizes the important role of local governments in developing and carrying out mosquito control programs. While this role may shift more to States or the Federal Government at some point in the future, the current status of local governments as the primary implementers of mosquito control was the basis for the design of grant programs to localities for this purpose.

The committee recognizes the need for technical assistance to and coordination of local efforts by State and Federal Government. The committee affirms this role by authorizing a grant program for States for the purpose of providing coordination and planning of mosquito programs in the State. Further, the bill authorizes the CDC to provide technical assistance to States and localities in carrying out the grant program.

The committee recognizes that a short-term grant program to many grantees could constitute a significant administrative burden on the Federal agency administering the program. As a result, the committee has taken a variety of legislative steps designed to reduce the number of applicants only to those most in need of grant funds and most able to effectively use such funds. Further, the bill encourages localities to apply with one another as one applicant in order to further reduce administrative pressures.

The bill defines a political subdivision as the political jurisdiction immediately below the level of State government. The committee recognizes that some cities which have received mosquito control funds in the past from the CDC, while part of larger counties, may conduct mosquito control programs and function as a "political jurisdiction immediately below the level of State government" for the purposes of this bill. The committee encourages the Secretary to assess the special circumstances of such cities and, when appropriate, provide funding (provided the city meets all other requirements outlined by the act) to those cities, provided that the State within which such city is located does not object to receipt by such city of funds under this bill. Funds awarded to such city may not exceed the amount that otherwise would have been awarded to the larger county or counties, had mosquito control activities in the city been included in the county activities. Further, such city may not receive funding through more than one CDC award for mosquito control under this program, nor may the larger county receive funding for mosquito control activities within such city's limits.

The committee recognizes that some small or rural States do not have sufficient capacity at the local level to apply for funds or to operate effective mosquito control programs, either because of minimal staff resources, lack of a health or environmental agency at the local level or other reasons. As a result, the committee expects that State governments may assist such localities in the application process or apply for funds on behalf of certain localities in the State. It is critical, however, that States who participate in the process in this way, serve as a funnel for grant funding to local governments to conduct the mosquito control activities rather than retaining grant funds for the operation of control programs at the State level. States who require funds to provide assistance to local-

ities, such as planning and coordination, are encouraged to apply for the one-time planning grants provided by the legislation.

The committee expects that funds will be distributed based on the need for initiation or improvement of control programs and on the severity of the mosquito-borne disease problem in a locality or region. Geographical or population size of the locality should only be a factor in determining the amount of a grant to an applicant to the extent that such size is related to the scope, severity and cost of containing the mosquito-borne disease problem in the region.

Likewise, the committee recognizes that the severity of the problem with mosquito-borne disease may be related to certain geographical characteristics of the locality that hinder mosquito control efforts. Such characteristics may include sheer territorial size, diluting staff resources with transportation time, requiring higher cost relating to removing reservoirs in vast stretches of land, reducing reservoirs or pesticide volume. These additional costs relating to geographical characteristics of an applicant should be considered by the CDC when determining grant awards.

The committee recognizes the importance of comprehensive mosquito management programs in the prevention of mosquito-borne disease. The committee encourages the Secretary to establish criteria that will be used in setting priorities for grant-making that recognize applicants with a demonstrated mosquito problem who are seeking to implement approaches designed to eradicate targeted mosquito populations before mosquito-borne disease outbreaks occur.

The committee has included in the legislation provisions relating primarily to reducing the number of applicants to those most in need and most ready to effectively use funds. First, localities receive a larger grant award if they apply with one or more other localities. Second, localities must have completed a needs assessment and be effectively coordinated with their State government. Third, priority is given to localities in States who have applied for and obtained a planning grant. Priority is further given to localities who demonstrate a serious mosquito-borne disease problem or who have met specified criteria suggesting significant potential for mosquito-borne disease outbreaks. An exception to the \$100,000 grant cap is available to the Secretary if the applicant demonstrates extreme need due to the size of the human population or the size of the mosquito problem. If the Secretary determines that the size of the mosquito population is related to the geographical size of a particular county, it is expected that the Secretary could use such information in certifying the waiver to the \$100,000 cap.

The committee is particularly concerned about two disturbing trends emerging during the West Nile virus season of 2002. First, reports were made of inappropriate use of spraying with pesticides. The committee encourages the CDC, in collaboration with the Environmental Protection Agency (EPA), to provide maximum oversight and assistance in this area for grantees, and for the Secretary to report to Congress on guidelines for public health pesticide use. Second, the discovery of transmission of West Nile virus through the blood/organ supply is a cause for great concern about the safety of recipients of transfusion, organs and other blood products. The committee requires in the legislation a report from the Secretary

to the committee on efforts being made to ensure a safe blood and organ supply with respect to West Nile virus.

V. COST ESTIMATE

Due to the constraints the Congressional Budget Office estimate was not included in the report. When received by the committee, it will appear in the Congressional Record at a later time.

VI. REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of rule XXVI of the Standing rules of the Senate, the committee has determined that there will be minimal increases in the regulatory burden imposed by this bill.

VII. APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

The committee has determined that there is no legislative impact.

VIII. SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title as the “Mosquito Abatement for Safety and Health Act.”

Section 2. Grant programs regarding control of mosquitoes

Section 2 authorizes the Secretary, operating through the CDC, to make grants to States for the purpose of coordinating mosquito control programs. The Secretary must give preference to States that have one or more political subdivisions with an incidence or prevalence of mosquito-borne disease that is substantial relative to other States or who have met specified criteria suggesting significant potential for mosquito-borne disease outbreaks. To be eligible, a State must develop a plan for coordinating mosquito control programs in the State, taking into account any assessments or plans that have already been conducted by political subdivisions in the State. In developing the plan, the State must consult with political subdivisions. States must also agree to make grants to political subdivisions to conduct assessments, including entomological surveys of potential mosquito breeding areas, and to develop mosquito control plans. The assessment and planning grants to States may be as much as \$10,000; no matching funds are required for eligibility. States must agree to monitor mosquito control programs, and submit a report to the Secretary. The State must agree that the grant will not be used to supplant existing State or local funds. A State may not receive more than one coordination grant.

Section 2 also authorizes the Secretary, acting through the CDC, to make grants to political subdivisions of States for the operation of mosquito control programs to prevent and control mosquito-borne disease. The Secretary must give preference to political subdivisions that (1) have an incidence or prevalence of mosquito-borne disease that is substantial relative to other areas, (2) demonstrate that the applicant will coordinate with contiguous political subdivisions, and (3) demonstrate that the State government for the applicant is committed to effectively coordinating control programs in the State. Further, political subdivisions must conduct a

needs assessment, including an entomological survey of potential mosquito breeding areas, and develop a plan for a control program based on such assessment. Political subdivisions must produce \$1 of matching funds for every \$2 of Federal funds. The Secretary may waive such requirement given extraordinary economic conditions. The maximum Federal contribution may not exceed \$100,000 per political subdivision, with 2 exceptions. First, the Federal contribution may increase up to \$110,000 for grantees containing more than one political subdivision. Further, in areas of extreme need due to the size of the human or mosquito population, the Secretary may make an exception. Grantees must effectively evaluate and report to the Secretary the effectiveness of the program. Political subdivisions are limited to participating in only one grant application in order to ensure that each locality only receives one grant. Political subdivisions are defined.

In Section 2, the CDC is authorized to provide training and technical assistance in the planning, development and operation of mosquito control programs, either directly or through awards of grants or contracts to public or private entities.

Section 2 authorizes \$100 million to be appropriated for fiscal year 2003 and such sums as necessary for fiscal years 2004–2007. In the case of mosquito-borne disease constituting a public health emergency, the authorization is in addition to applicable authorizations under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

Section 3. Research program at NIH

Section 3 directs the National Institute of Environmental Health Sciences to conduct or support research to identify or develop methods of controlling the population of insects and vermin that transmit disease that have significant adverse health consequences for humans.

Section 4. Report

Section 4 requires a report by Secretary on status of development of protocols to ensure blood supply safety with respect to West Nile Virus and on the benefits, risks and overall role of public health pesticides, including standards for use.

IX. CHANGES IN EXISTING LAW

In compliance with rule XXVI paragraph 12 of the Standing Rules of the Senate, the following provides a print of the statute or the part or section thereof to be amended or replaced (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC HEALTH SERVICE ACT

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MOSQUITO ABATEMENT FOR SAFETY AND HEALTH ACT

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Part B—Federal-State Cooperation

IN GENERAL

SEC. 311. (a) * * *

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PROJECT GRANTS FOR PREVENTIVE HEALTH SERVICES

SEC. 317. (a) * * *

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HUMAN PAPILLOMAVIRUS

SEC. 317P. (a) SURVEILLANCE.—

(1) IN GENERAL.— * * *

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SEC. 317Q. SURVEILLANCE AND RESEARCH REGARDING MUSCULAR DYSTROPHY.

(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants and cooperative agreements to public or nonprofit private entities (including health departments of States and political subdivisions of States, and including universities and other educational entities) for the collection, analysis, and reporting of data on Duchenne and other forms of muscular dystrophy. In making such awards, the Secretary may provide direct technical assistance in lieu of cash.

(b) NATIONAL MUSCULAR DYSTROPHY EPIDEMIOLOGY PROGRAM.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to public or nonprofit private entities (including health departments of States and political subdivisions of States, and including universities and other educational entities) for the purpose of carrying out epidemiological activities regarding Duchenne and other forms of muscular dystrophies, including collecting and analyzing information on the number, incidence, correlates, and symptoms of cases. In carrying out the preceding sentence, the Secretary shall provide for a national surveillance program. In making awards under this subsection, the Secretary may provide direct technical assistance in lieu of cash.

(c) COORDINATION WITH CENTERS OF EXCELLENCE.—The Secretary shall ensure that epidemiological information under subsections (a) and (b) is made available to centers of excellence supported under section 404E(b) by the Director of the National Institutes of Health.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 317R. FOOD SAFETY GRANTS.

(a) IN GENERAL.—The Secretary may award grants to States and Indian tribes (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e))) to expand participation in networks to enhance Federal, State, and local food safety efforts, including meeting the costs of establishing and

maintaining the food safety surveillance, technical, and laboratory capacity needed for such participation.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—For the purpose of carrying out this section, there are authorized to be appropriated \$19,500,000 for fiscal year 2002, and such sums as may be necessary for each of the fiscal years 2003 through 2006.

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SEC. 317S. MOSQUITO-BORNE DISEASES; COORDINATION GRANTS TO STATES; ASSESSMENT AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.

(a) **COORDINATION GRANTS TO STATES; ASSESSMENT GRANTS TO POLITICAL SUBDIVISIONS.**—

(1) **IN GENERAL.**—*With respect to mosquito control programs to prevent and control mosquito-borne diseases (referred to in this section as “control programs”), the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to States for the purpose of—*

(A) *coordinating control programs in the State involved; and*

(B) *assisting such State in making grants to political subdivisions of the State to conduct assessments to determine the immediate needs in such subdivisions for control programs, and to develop, on the basis of such assessments, plans for carrying out control programs in the subdivisions.*

(2) **PREFERENCE IN MAKING GRANTS.**—*In making grants under paragraph (1), the Secretary shall give preference to states that have one or more political subdivisions with an incidence, prevalence, or high risk of mosquito-borne disease, or a population of infected mosquitoes, that is substantial relative to political subdivisions in other States.*

(3) **CERTAIN REQUIREMENTS.**—*A grant may be made under paragraph (1) only if—*

(A) *the State involved has developed, or agrees to develop, a plan for coordinating control programs in the State, and the plan takes into account any assessments or plans described in subsection (b)(3) that have been conducted or developed, respectively, by political subdivisions in the State;*

(B) *in developing such plan, the State consulted or will consult (as the case may be under subparagraph (A)) with political subdivisions in the State that are carrying out or planning to carry out control programs;*

(C) *the State agrees to monitor control programs in the State in order to ensure that the programs are carried out in accordance with such plan, with priority given to coordination of control programs in political subdivisions described in paragraph (2) that are contiguous;*

(D) *the State agrees that the State will make grants to political subdivisions as described in paragraph (1)(B), and that such a grant will not exceed \$10,000; and*

(E) *the State agrees that the grant will be used to supplement, and not supplant, State and local funds available for the purpose described in paragraph (1).*

(4) **REPORTS TO SECRETARY.**—*A grant may be made under paragraph (1) only if the State involved agrees that, promptly*

after the end of the fiscal year for which the grant is made, the State will submit to the Secretary a report that—

(A) describes the activities of the State under the grant; and

(B) contains an evaluation of whether the control programs of political subdivisions in the State were effectively coordinated with each other, which evaluation takes into account any reports that the States received under subsection (b)(5) from such subdivisions.

(5) NUMBER OF GRANTS.—A State may not receive more than one grant under paragraph (1).

(b) PREVENTION AND CONTROL GRANTS TO POLITICAL SUBDIVISIONS.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may make grants to political subdivisions of States or consortia of political subdivisions of States, for the operation of control programs.

(2) PREFERENCE IN MAKING GRANTS.—In making grants under paragraph (1), the Secretary shall give preference to a political subdivision or consortium of political subdivisions that—

(A) has—

(i) a history of elevated incidence or prevalence of mosquito-borne disease;

(ii) a population of infected mosquitoes; or

(iii) met criteria determined by the Secretary to suggest an increased risk of elevated incidence or prevalence of mosquito-borne disease in the pending fiscal year;

(B) demonstrates to the Secretary that such political subdivision or consortium of political subdivisions will, if appropriate to the mosquito circumstances involved, effectively coordinate the activities of the control programs with contiguous political subdivisions;

(C) demonstrates to the Secretary (directly or through State officials) that the State in which such a political subdivision or consortium of political subdivisions is located has identified or will identify geographic areas in such State that have a significant need for control programs and will effectively coordinate such programs in such areas; and

(D) is located in a State that has received a grant under subsection (a).

(3) REQUIREMENT OF ASSESSMENT AND PLAN.—A grant may be made under paragraph (1) only if the political subdivision or consortium of political subdivisions involved—

(A) has conducted an assessment to determine the immediate needs in such subdivision or consortium for a control program, including an entomological survey of potential mosquito breeding areas; and

(B) has, on the basis of such assessment, developed a plan for carrying out such a program.

(4) REQUIREMENT OF MATCHING FUNDS.—

(A) IN GENERAL.—With respect to the costs of a control program to be carried out under paragraph (1) by a political subdivision or consortium of political subdivisions, a

grant under such paragraph may be made only if the subdivision or consortium agrees to make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount that is not less than $\frac{1}{3}$ of such costs (\$1 for each \$2 of Federal funds provided in the grant).

(B) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

(C) WAIVER.—The Secretary may waive the requirement established in subparagraph (A) if the Secretary determines that extraordinary economic conditions in the political subdivision or consortium of political subdivisions involved justify the waiver.

(5) REPORTS TO SECRETARY.—A grant may be made under paragraph (1) only if the political subdivision or consortium of political subdivisions involved agrees that, promptly after the end of the fiscal year for which the grant is made, the subdivision or consortium will submit to the Secretary, and to the State within which the subdivision or consortium is located, a report that describes the control program and contains an evaluation of whether the program was effective.

(6) AMOUNT OF GRANT; NUMBER OF GRANTS.—

(A) AMOUNT OF GRANT.—

(i) SINGLE POLITICAL SUBDIVISION.—A grant under paragraph (1) awarded to a political subdivision for a fiscal year may not exceed \$100,000.

(ii) CONSORTIUM.—A grant under paragraph (1) awarded to a consortium of 2 or more political subdivisions may not exceed \$110,000 for each political subdivision. A consortium is not required to provide matching funds under paragraph (4) for any amounts received by such consortium in excess of amounts each political subdivision would have received separately.

(iii) WAIVER OF REQUIREMENT.—A grant may exceed the maximum amount in clause (i) or (ii) if the Secretary determines that the geographical area covered by a political subdivision or consortium awarded a grant under paragraph (1) has an extreme need due to the size or density of—

(I) the human population in such geographical area; or

(II) the mosquito population in such geographical area.

(B) NUMBER OF GRANTS.—A political subdivision or a consortium of political subdivisions may not receive more than one grant under paragraph (1).

(c) APPLICATIONS FOR GRANTS.—A grant may be made under subsection (a) or (b) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and infor-

mation as the Secretary determines to be necessary to carry out this section.

(d) *TECHNICAL ASSISTANCE.*—Amounts appropriated under subsection (f) may be used by the Secretary to provide training and technical assistance with respect to the planning, development, and operation of assessments and plans under subsection (a) and control programs under subsection (b). The Secretary may provide such technical assistance directly or through awards of grants or contracts to public and private entities.

(e) *DEFINITION OF POLITICAL SUBDIVISION.*—In this section, the term “political subdivision” means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this section.

(f) *AUTHORIZATION OF APPROPRIATIONS.*—

(1) *IN GENERAL.*—For the purpose of carrying out this section, there are authorized to be appropriated \$100,000,000 for fiscal year 2003, and such sums as may be necessary for each of fiscal years 2004 through 2007.

(2) *PUBLIC HEALTH EMERGENCIES.*—In the case of control programs carried out in response to a mosquito-borne disease that constitutes a public health emergency, the authorization of appropriations under paragraph (1) is in addition to applicable authorizations of appropriations under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002.

(3) *FISCAL YEAR 2004 APPROPRIATIONS.*—For fiscal year 2004, 50 percent or more of the funds appropriated under paragraph (1) shall be used to award grants to political subdivisions or consortia of political subdivisions under subsection (b).

Subpart 12—National Institute of Environmental Health Sciences

PURPOSE OF THE INSTITUTE

SEC. 463. * * *

APPLIED TOXICOLOGICAL RESEARCH AND TESTING PROGRAM

SEC. 463A. (a) * * *

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METHODS OF CONTROLLING CERTAIN INSECT AND VERMIN POPULATIONS

SEC. 463B. *The Director of the Institute shall conduct or support research to identify or develop methods of controlling insect and vermin populations that transmit to humans diseases that have significant adverse health consequences.*

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