

# Legislative Update



**February 2020**

- 1. APHA and health partners submit brief challenging EPA's dust-lead and soil-lead hazard standards**
- 2. Court upholds injunction preventing the discharge of HIV-positive service members**
- 3. APHA urges House consideration of asbestos ban legislation**
- 4. Groups urge U.S. Department of Homeland Security to implement an influenza vaccination program for asylum-seekers and migrants in custody**

## **APHA and health partners submit brief challenging the Environmental Protection Agency's dust-lead and soil-lead hazard standards**

On Jan. 16, APHA joined the American Academy of Pediatrics, the National Association of County and City Health Officials and others in [submitting an amicus brief](#) to the U.S. Court of Appeals for the Ninth Circuit in support of the petitioners in the case of *Community Voice v. the U.S. Environmental Protection Agency*. The brief outlines the public health and medical implications of letting EPA's insufficiently updated rule on lead hazards stand.

In 2009, several organizations filed a petition with EPA urging the agency to update its lead hazard standards and definition of lead-based paint. With no action from EPA, in 2016, seven years after the petition was submitted, community groups filed a petition in the Ninth Circuit to compel the agency to undertake a rulemaking to update the standards. The court ordered EPA to update the definitions of lead-dust, lead-paint and lead-soil based on scientific standards. EPA's new rule is based on outdated science, however, and continues to fall short of what is necessary to protect children's health and fails to comply with the spirit of the court's order. The brief submitted by the health organizations highlights that EPA's current standards are insufficient to eliminate lead exposure, a clear threat to human health, and the

agency has a duty to revise them accordingly and update them regularly as science evolves.

### **Court upholds injunction preventing the discharge of HIV-positive service members**

On Jan. 10, the U.S. Court of Appeals for the Fourth Circuit upheld a lower court ruling in *Roe & Voe v. Esper* that stopped the Department of Defense from discharging members of the U.S. Air Force because they are living with HIV. The court's decision will allow the two active-duty airmen who have HIV to continue serving and will prevent the discharge of any other airmen living with HIV. In July, APHA joined the National Alliance of State and Territorial AIDS Directors and other public health organizations in submitting [an amicus brief](#) to the court in support of the airmen. In the brief urging the court to uphold the injunction against the department's discriminatory policy, APHA and the other public health organizations argue: "The amici submit this brief to bring the Court's attention to the history and manifestations of HIV-related stigma and the stigmatizing impact of the military's HIV policies, which are not limited to the lives and careers of qualified and patriotic service members. The military's HIV policies — including the irrational "deployability" argument advanced here — reflect and perpetuate stigma based on outdated perceptions of prognosis and transmission risks."

### **APHA urges House consideration of asbestos ban legislation**

On Jan. 15, APHA joined the Asbestos Disease Awareness Organization, AFL-CIO and others in sending a [letter to House Democratic leaders](#) urging them to schedule a full House floor vote on H.R. 1603, the Alan Reinstein Ban Asbestos Now Act, as soon as possible. The bill passed the House Energy and Commerce Committee on Nov. 19 with a bipartisan vote of 47-1. The bill would ban the manufacture, sale, export or importation of asbestos-containing products, create a right-to-know program to inform the public about the presence of asbestos in U.S. commerce and require a comprehensive study into the risks of asbestos exposure in homes, schools, workplaces and other public places. On May 18, 2019, APHA member Celeste Monforton, a lecturer at Texas State University and George Washington University, [testified for APHA in support of the bill](#) before the Subcommittee on Environment and Climate Change of the House Committee on Energy and Commerce. Companion legislation has also been introduced in the Senate, but to date the bill has not been scheduled by consideration by the Senate Committee on Environment and Public Works.

### **Groups urge U.S. Department of Homeland Security to implement an influenza vaccination program for asylum-seekers and migrants in custody**

On Jan. 28, APHA joined the HIV Medicine Association, National Association of County and City Health Officials and others in sending a [letter to Secretary of the U.S. Department of Health and Human Services Alex Azar and Acting Secretary of the U.S. Department of Homeland Security Chad Wolf](#) urging DHS to implement an influenza vaccination program for asylum-seekers and migrants who are in the

custody of the U.S. Customs and Border Protection Agency. While the Centers for Disease Control and Prevention has [recommended that CBP provide flu shots for detainees](#), the border agency has so far declined to act on CDC's recommendation — despite additional calls from members of Congress, as well as health and immigration advocates. The letter highlights the tragic May 2019 death of 16-year-old migrant Carlos Gregorio Hernandez Vasquez, who was diagnosed with influenza and died in his holding cell without receiving appropriate care, and the lack of progress in addressing the spread of infectious diseases in detention facilities.

### **Additional APHA advocacy news**

Given the rapid pace of action in Washington, D.C., we wanted to highlight additional issues we have weighed in on recently. Those include:

- [APHA comments](#) opposing the U.S. Environmental Protection Agency's proposed rule to weaken the Agricultural Worker Protection Standard (Jan. 30)
- [Organization letter](#) in support of the Connecting America's Active Transportation System Act (Jan. 23)