

From: [Yvette Hering](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: cabinet agency
Date: Thursday, September 24, 2009 9:04:42 AM

Dear Medical Affairs Committee,

We strongly urge you to put DHEC & DDSN as cabinet agencies under the Governor's office. As parents of a 39 year old son with special needs, we have struggled with DDSN for years regarding lack of services, but other than contacting the Commission Members, we have no where else to go with our concerns. Of course, the only way an Executive Director can be replaced is if the commission decides to replace him. The concept of a small group (commission) that is part time and often selected because of who they know, having control of large agencies that receive many taxpayer monies is a poor way to run government. This system is NOT acceptable. Most commission members don't have the knowledge or the time it takes to completely understand the complex issues of the agency.

Yvette & Richard Hering

From: [Will Doar](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: Changes in control of DHEC
Date: Thursday, September 24, 2009 9:26:30 AM

I am opposed to moving control of DHEC to the governor's cabinet.

I feel that much of what this governor has done is to grab power/control over state agencies and the gut them under the pretense of making government more efficient. The move to make DHEC under his control is yet another one of these grab-and-gut moves.

A layer of insulation needs to be maintained between the cabinet/governor and state agencies tasked with protecting the public.

It may seem like a good idea to allow the move under the reason's provided, but as exemplified in the past with the Dept of Education, Sanford's promise to be for public education resulted in him doing everything he can to cut or prevent funding. Judging him on past examples, I see no reason why, when given the power to do so, he will not systematically gut DHEC to the point where the agency will have to choose between what the governor wants and inspecting doctor's office's to insure that they are clean and safe.

William R. Doar, III
Columbia, SC

The most exciting phrase to hear in science, the one that heralds new discoveries, is not "Eureka!" (I found it!) but "That's funny ..."
- Isaac Asimov.

Ma Ka hana ka 'ike "In the work there is the knowledge"
-Hawaiian saying-

From: [W WISE](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: DHEC
Date: Thursday, September 24, 2009 10:49:50 AM

I would support a restructuring and more effeciant and accountable DHEC. More public service is needed on Lyme Disease which is ignored by DHEC. You hear public service announcements about west nile...Have you ever heard one about Lyme? Which late state complications are preventable if caught early.

Thanks for your time.

Brad

From: [Amanda D. Hair](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: DHEC as a Cabinet agency
Date: Thursday, September 24, 2009 12:01:56 PM

Dear Senate Medical Affairs Committee,

I agree with Commissioner Hunter, more government control of our Agency is not the right answer. There are politics in any job, but especially jobs that deal directly with the public and make decisions concerning their health and livelihood, as DHEC does. I can tell you from the stand point of the low man on the totem pole, that most of DHEC's employees are interested in protecting the environment and people of South Carolina and the politics are something that just gets in our way. We are here because we truly care about the environment and people of South Carolina, not for the money! We have endured furloughs and budget cuts, hiring and salary freezes, yet we still continue to do our jobs, because it is so important to us. For all of those environmental groups that think we are looking out for the best interest of big corporations that want to pollute, they should know that we are bound by the LAWS of South Carolina and have to perform our jobs within the scope of those laws. If they want more stringent laws, then they should be pushing for that legislation and not for a Cabinet agency that will only lead to more corruption and politics, that slow us down! DHEC is responsible for running a lot of the programs in South Carolina, but not nearly as many as the State Government is responsible for. It seems to me that a board, representing people that are affected by all of the different programs that DHEC runs, can make more fair and partial decisions than a Governor's Cabinet that is only affected by which company is contributing money to their campaign. I appreciate the opportunity to express my opinions and I hope that our Legislation will make the best possible decision for all those involved.

Sincerely,

Amanda D. Hair
SC Department of Health and Environmental Control
Division of Compliance and Enforcement
Bureau of Land and Waste Management
2600 Bull Street
Columbia, SC 29201-1708
Phone: (803)896-4064 Fax: (803)896-4002
email: HairAD@dhec.sc.gov

From: [Johnny & Rebecca Dotterer](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: S384
Date: Sunday, September 27, 2009 7:28:25 AM

DHEC should not be put in the governor's cabinet. The current system has the necessary checks and balances to ensure that the business community and the public interests are properly protected. If anything the Administrative Law Court should not be allowed to select the cases they wish to rule on and the DHEC Board should be re-established as a more independent entity.

John B. Dotterer, Jr.
3310 Murray Street
Columbia
South Carolina 29205
254-7942

From: [Casey Himel](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: DHEC- Governor YES
Date: Sunday, September 27, 2009 12:35:55 PM

As a resident of SC please record my favorable opinion to senate bill S.384 for aligning DHEC under the control of the governor.

I believe this bill is absolutely a step in the right direction and better aligns the duties and accountabilities of those serving in the agency to the people of the state in a more conventional fashion much like the federal level and other states.

Thank you,

Casey Himel
214 Danby Ct.
Columbia, SC
29212

From: [R.A..Corbitt](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: Bad idea to put Governor in charge of DHEC ?
Date: Sunday, September 27, 2009 5:07:04 PM

It is a bad idea to put the Governor in charge of any state agency. Consider this; Gov. Sanford put his hunting and fishing buddy, Jon Ozmint in charge of the S.C. Dept. of Corrections even though he did not have one day of experience in Corrections or Law Enforcement and the prison system has been in turmoil ever since. Mr. Ozmint and his hand picked staff has been sued by employees and lost more law suits than all past Directors rolled into one with more law suits waiting to go to court. So you see the Governor can put his cronies in high paying positions even though they have no experience for the job. Thanks, Roy Corbitt, retired Criminal and Fugitive Investigator with the SCDC. 796-1762.

From: [I mood](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: S.384
Date: Monday, September 28, 2009 6:55:17 PM

I read in Sunday's STATE newspaper that you were asking for public comments on S. 384, and I am happy for this opportunity. I was a public health nurse at DHEC for over 30 years until my retirement in 2001. During that time I worked in home health services, nursing administration, on the Commissioner's staff and Executive Management Team, and in Environmental Quality Control.

As the Community Liaison for EQC, I received the calls from citizens who were concerned about something in their environment. Their fears were most often related to possible effects on their health. I was grateful to have the expertise of both health professionals and environmental scientists to draw upon in addressing citizens' problems.

Over the years, I had many opportunities to observe and talk with colleagues in other states in which the state health and environmental agencies were Cabinet agencies, reporting directly to the Governor. In many instances, those in other states were envious of the stability that the Board structure gave to our agency in SC. Their experience was often that of a new agency head being appointed every time the governor changed, and sometimes more than once within a single governor's administration, regardless of the effectiveness of the person in that position. I have heard many descriptions of governors appointing political allies as department heads who had no educational preparation or experience in public health or environmental protection. Instead of being able to use their time to address important public health and environmental needs and issues, staff devoted a great deal of time to trying to give the new agency head enough background in the work of the department to prevent problems from uninformed decisions.

I am glad to see that S. 384 contains language that "The secretary must possess sound moral character, superior knowledge and experience concerning the promotion and protection of the health of the public and the environment, and proven administrative ability." Clear qualifications are essential for this critical role, and need to be spelled out to assure capable leadership.

My experience working with the DHEC Board was that citizens who were not happy with the way department staff responded to them found it very easy to get the ear of the appointee from their Congressional district. I believe they would not have the same ease of access to the Governor or an equal degree of responsiveness to their issues.

Finally, I often hear people who advocate making state agencies part of the Governor's Cabinet use words like "accountability" and "single point of responsibility". I believe this is another way of saying they want someone to blame when things don't go the way they would like. Personally, I want more from my government than someone to blame. I want government that works for the benefit of all our citizens. I think that is especially important when the issues are ones of public health and environmental protection.

I ask that you use extreme caution before making the decision to put the Governor in direct control of DHEC. What you intend as a way of removing political influence from decisions on public health and environment may well actually increase the political pressure, both on the agency and the Governor, to make decisions that may favor the agendas of political allies and campaign contributors but can have destructive impacts on the well-being of our State.

Thank you for inviting this input into your process.

Lillian H. Mood, RN MPH
628 Shallow Cove Court
Chapin, SC 29036
803-345-3460
lh mood@bellsouth.net

From: [Mary Fuhrman](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: Comments on S.384
Date: Monday, September 28, 2009 10:04:54 PM

I'm providing comments on Bill S.384 that proposes putting DHEC under the Governor.

I believe that DHEC is a very well run organization. It has a huge mission and is given very little state funding to accomplish this mission. By putting the agency under the Governor there would be far more political pressure to approve or disapprove permits according to the wishes of the Governor. The DHEC Board allows the agency to be much more independent by having seven people making decisions, who have various medical, business, and environmental backgrounds. The Governor will probably not have the years of relevant experience that the DHEC Board has at any given time to make informed decisions.

Thank you for providing the opportunity to comment.

Mary Fuhrman

From: [Tommy Molin](#)
To: [Senate Medical Affairs Committee Mailbox:](#)
Subject: Governor should NOT be in control of DHEC
Date: Tuesday, September 29, 2009 4:07:30 PM

To whom it may concern,
I feel that the Governor should NOT be in control of DHEC and that this should NOT be a Senate bill. DHEC should remain a separate state agency.
Thanks.

Thomas O. Molin, CCIM
Grubb & Ellis|The Furman Co.
Retail Group
P.O. Box 2487, Greenville, SC 29602
Main: 864.242.5151 · Direct: 864.527.6085 · Fax: 864.233.9878
tommymolin@furmanco.com
www.furmanco.com

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From: [Bob Eppinette](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: S. 384
Date: Tuesday, September 29, 2009 5:45:12 PM

Dear Committee Members:

This email is in reference to Senate Bill S. 384 and the restructuring of DHEC. I respectfully urge you to please separate the health and environmental divisions of this agency and to please make them more efficient and accountable to the taxpayers of this state. I frequently deal with this agency and it is a complete nightmare.

Below is an email that I sent to the Senate and House a few weeks ago about concerns I have with DHEC. So far, only one Senator has responded and offered to help. You don't know how much I appreciate his offer.

Please do something about this agency and please take a few minutes to read the email below. Thank you for your service.

Bob Eppinette

To: South Carolina Senate
South Carolina House of Representatives

Over the past two or three years I have written and emailed a few of you about the problem I am having with the South Carolina Department of Health and Environmental Control On-Site Wastewater Management Section. I have decided to email all of you about this problem hoping someone in the legislature will help.

The problem is DHEC employees competing with my private soil consulting business in the septic system permitting process. Even though state law gives DHEC the regulatory authority to issue permits for septic systems, it does not state that DHEC employees have to provide soil and site evaluations. This is a task that they have taken on themselves over the years.

This part of the permitting process can and should be done by private, licensed, educated, trained and experienced soil professionals. Most of DHEC On-Site employees lack any training, education or experience in soil

sciences. It is a disservice to the taxpayers and property owners of South Carolina to allow a state employee that is not trained or educated in soil classification to provide soil evaluations. I have seen many times their incorrect interpretation of soil properties and features.

If just one DHEC On-Site position is eliminated in each county, this would save taxpayers over ONE MILLION dollars a year (approx.\$30,000 per employee per county)!! If DHEC would turn over the soil and site evaluation part of the permitting process to private soil consultants totally, then more DHEC positions could be eliminated to save more taxpayer dollars. This would create job opportunities for small soil consulting businesses like mine.

I keep hearing from politicians about creating more opportunities for small business. Well, this is one way to do it and save taxpayer money at the same time. I am having a hard enough time making it in this economy without having to compete with state government employees.

I am hoping that at least one of you will address my complaint by introducing legislation that would allow professional soil classifiers to provide ALL soil and site evaluations for septic system permitting. It is done this way in Georgia - why not here???

We need more small businesses in this state and less government. I am willing to meet with anyone that will listen. My phone numbers are listed below. Please give me a call.

Bob Eppinette

Bob Eppinette
Lowcountry Soil Consulting LLC
890 Hiers Corner
Walterboro, SC 29488
843-908-3533 cell
843-549-2738 home or fax
www.lowcountrysoil.net

From: [Stephanie Copple](#)
To: [Senate Medical Affairs Committee Mailbox:](#)
Subject: NO! The governor should not control DHEC!
Date: Tuesday, September 29, 2009 8:47:24 PM

The Governor should NOT be in control of DHEC and this should NOT be a Senate bill. DHEC should remain a separate state agency.

From: [Kris Black](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: The Governor should NOT be in control of DHEC and that this should NOT be a Senate bill. DHEC should remain a separate state agency.
Date: Tuesday, September 29, 2009 9:31:11 PM

The Governor should NOT be in control of DHEC and that this should NOT be a Senate bill. DHEC should remain a separate state agency.

Kris

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Kris Black

www.krisblack.com

From: [Kyle Criminger](#)
To: [Senate Medical Affairs Committee Mailbox:](#)
Subject: In favor of DHEC being placed in governor"s Cabinet
Date: Wednesday, September 30, 2009 7:31:54 PM

I am writing in favor of putting DHEC in the governor's cabinet. I feel the department has allowed itself to be influenced by legislatures and big business to the detriment of our state's environment, one its most important resources. We need it to be reigned in.

Please push this bill through.

Thank you for your consideration,
Kyle Criminger
1230 Pendleton St 11e
Columbia, SC 29201-3737

From: [MIRIAM WATSON](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: DHEC
Date: Thursday, October 01, 2009 9:12:11 AM

It has come to my understanding that the government is considering taking control of DHEC. I feel that this is a bad idea and not in the best interest of the American public. The Senate should not even be considering this action.

DHEC should definitely remain a separate State Agency.

Miriam Wray

Greer, SC

From: [Mick Henry](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: DHEC/other agency reviews
Date: Thursday, October 01, 2009 9:48:04 AM

This is regarding the recent news articles indicating your intent to "review" several state agencies. I may have a unique perspective on some of those agencies as I was, at retirement, assistant deputy commissioner for public health services with DHEC (responsible for policy for all programs on the health services side of the organization); before that, I was with the Continuum of Care, serving as executive assistant to the director and for seven months before I left was the director of the agency; I went to the private sector as state director for the largest program in S.C. that provided residential treatment to the SED population; and, in 1991, was appointed by the governor to a citizens' panel which reviewed and recommended changes (many of which were adopted) to the state mental health code. In the absence of the appointed legislator who was, usually, not available, I chaired statewide meetings to gather information and hear suggestions (complaints) toward this purpose. So, I have relatively intimate "overlapping" knowledge of several of the agencies/operations you may be reviewing. Also, I was a regional vice president and general manager for many state programs dealing with the SED and (what was then termed) the DMR populations. Also, I'm a retired USAF field grade officer with several graduate degrees. I include this not for self aggrandizement but to establish that my experience in these programs and my related opinions were formed at a senior management level. If you are interested, I do have some suggestions about organizational issues and internal "oddities". In any event, whatever changes you recommend/make should allow for the development of "real" accountability measures in each of these agencies. Please note that I am not qualified to discuss details about the environmental side of DHEC. And, your leaving the Medicaid agency, aka, the finance commission, out of any consideration for reorganization would be very short-sighted. I can be reached at 803-894-9515 or through this email address should you wish further discussion with me.

Mick Henry
720 Pond Branch Rd
Lexington, S.C. 29073

From: [Rick and Judy Rauppius](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: S. 384
Date: Thursday, October 01, 2009 2:18:50 PM

Dear SC Senate Members,

I appreciate the opportunity to comment on the proposed bill, S. 384, which would create 2 separate divisions of DHEC, one to handle health concerns and the other environmental.

I believe this makes sense for the people of SC. My main concern is that more funds will be paid on administrative costs and less funds will be used to help the people of SC. For example, if funds are used to hire service coordinators and provide early intervention services, that is a great thing. If, however, more funds will be used for management positions that are not having face to face contact with consumers, I do not support such a change.

Thanks for your service and consideration.

Sincerely,
Judy Rauppius
4608 Deer Run
Rock Hill, SC 29732

From: [FRANK BROWN](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: restructure of dhec
Date: Thursday, October 01, 2009 7:53:18 PM

I've recently had lots of dealings with DHEC during the meetings about the coal plant in Florence city. I have been shocked by their attitude when it comes to the health and safety of our state, and its people. It seems they worry more about the cost for the applicants than the health and safety of our state. Before it's too late please support s.384. we need some safeguards so that DHEC can regain its focus and protect more than big business, politics, and concrete. Our state deserves much better than what we have now. Thank you for this ray of hope. Robert F. Brown 181 Lakewood Dr. Florence S.C. 29501

From: [MARY J ALEXANDER](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: Request for your action
Date: Thursday, October 01, 2009 10:20:52 PM

Please support S384. We should have more transparency and specific responsibility.

The DHEC controls should be in the hands of a 3 member Board of Health plus a 3 member Board of Environmental Control with specific areas of control and responsibility.

Alexander J. Milligan
Heritage Club Drive
Greenville, SC

From: [Tony Millan](#)
To: [Senate Medical Affairs Committee Mailbox:](#)
Subject: Secretary of Health & Environmental Control
Date: Friday, October 02, 2009 8:22:33 AM

I will keep this simple:

My wife and I support creating the position of Sec'y of H & E C.

Thank you,
Cossette Surye & Anthony Millan
Citizens and proud voters of Marlboro County SC

From: [Hampton Shuping](#)
To: [Senate Medical Affairs Committee Mailbox:](#)
Subject: Support for S. 384
Date: Friday, October 02, 2009 8:35:59 AM

Hampton Shuping, Jr.
202 Parks Ave.
Conway, S.C. 29526
843-457-1668
hampshuping@gmail.com

October 2, 2009

Senator Danny Verdin, Chairman
Medical Affairs Restructuring Subcommittee
P.O. Box 142
Columbia, S.C. 29202

Dear Senator Verdin:

I am writing in support of the proposed DHEC Restructuring bill, S.384. We are fortunate to have so many good people working for DHEC, but it is unfortunate that on the environmental side of the organization there is a need for changing the way business is done so that these folks can do their jobs better. I live in Horry County, and it is unfortunate that we have one notable recent example of how DHEC has failed to properly regulate a local industry's pollution - that industry is AVX. I see the restructuring effort as the beginning of getting more accountability of the enforcement process, and board members that will focus on truly protecting our environment. Although the dual role of health and environment seem to fit, the fact is that today's environmental standards require specific expertise in order to *effectively enforce* _____ our regulations in South Carolina. S.384 should get this type of work off to a good start.

Thank you for your time and consideration.

Sincerely

Hampton Shuping, Jr.

From: erik@pixiedustgifts.com
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: comments on S.384
Date: Friday, October 02, 2009 9:11:11 AM

I support replacing the current DHEC board structure with a Secretary of Health and Environmental Control. I believe it would streamline things and would produce a more accountable and transparent agency. Having a separate Board of Health and a Board of Environmental Control sounds like a good idea to narrow the focus of the permitting process.

While DHEC does many things well and employs many dedicated people, recently publicized DHEC oversights involving critical aspects of our air, water, and health demonstrate the need for change.

Thank you for your time.

Erik Heerlein
2443 Rockland Ave
Wadmalaw Island SC 29487

From: [steve dexter](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: S.384
Date: Friday, October 02, 2009 10:27:51 AM

To whom it may concern,

I am writing you to express my support for S.384. I am a registered voter in Berkeley County.

S.384 would replace the current DHEC board structure with a Secretary of Health and Environmental Control who is appointed by the Governor with the advice and Consent of the Senate. This change means a single person would be directly accountable to the Governor and people of the State for formulation and implementation of environmental policy.

- I support this proposal because I think that a Secretary of Health and Environment would produce a more accountable and transparent agency.

- The role and capacity of the DHEC Board has changed over the years and it is time to replace it with a more efficient and responsive management structure.

- The current board structure should be replaced with a three member Board of Health and a three member Board of Environmental Control, and each board should review permits that fall under its area of expertise with coordination when necessary. This change will bring more specific expertise to bear on permit decisions so that agency action is as consistent as possible for everyone.

- While DHEC does many things well and employs many dedicated people, recently publicized DHEC oversights involving critical aspects of our air, water, and health demonstrate the need for change.

- Thank you for your support of S. 384.

--

Steve Dexter
8 campanella Ct.
Hanahan, SC, 29410-8606
16dextersk@gmail.com
843-572-7062

From: [Pam Creech](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
cc: [bunnybee beeson;](#)
Subject: S.384
Date: Friday, October 02, 2009 12:18:17 PM

Senate Medical Affairs Restructuring Subcommittee

Over the last few years I have worked with many community members and organizations that have problems with DHEC responses to their local issues. DHEC needs to be more efficient in dealing with environmental and health problems that concern residents.

One of the problems I see is that DHEC needs more stringent laws so they can protect the health and welfare of our environment and provide a better quality of life for residents. Policy makers need to update current laws and regulations for DHEC to follow. The laws on the books today are not adequate for DHEC employees to protect citizens in SC today and that is a reflection on our policy makers.

Recently publicized DHEC oversights involving critical aspects of our air, water, and health demonstrates the need for more stringent laws and oversight.

S. 384 is a bill that aims to increase accountability and efficiency at DHEC by replacing the current board structure with a Secretary of Health and Environmental Control who would be appointed by the Governor with the advice and consent of the Senate. That is a great idea. You still need to put some teeth in the law or even this will not work.

Thank you for this public comment notification.

Pam Creech
SVP of Environment
Wildlife Action, Inc.

Pam J. Creech

From: [Terry Walker](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: s384
Date: Friday, October 02, 2009 12:29:13 PM

Please support S384 for the following reasons:

- S.384 would replace the current DHEC board structure with a Secretary of Health and Environmental Control who is appointed by the Governor with the advice and Consent of the Senate. This change means a single person would be directly accountable to the Governor and people of the State for formulation and implementation of environmental policy.
- I support this proposal because I think that a Secretary of Health and Environment would produce a more accountable and transparent agency.
- The role and capacity of the DHEC Board has changed over the years and it is time to replace it with a more efficient and responsive management structure.
- The current board structure should be replaced with a three member Board of Health and a three member Board of Environmental Control, and each board should review permits that fall under its area of expertise with coordination when necessary. This change will bring more specific expertise to bear on permit decisions so that agency action is as consistent as possible for everyone.
- While DHEC does many things well and employs many dedicated people, recently publicized DHEC oversights involving critical aspects of our air, water, and health demonstrate the need for change.

Regulation is a key role for our government having the most effect on our citizens. Accountability must be a goal.

Again, I urge you to support S384.

Thanks for listening.

Terry

Terry H, Walker, Ph.D.
Professor of Biological Engineering

Clemson University
114 Biosystems Research Complex
Clemson, SC 29634
PH: 864-656-0351
email: walker4@clemson.edu

From: [Jay James](#)
To: [Senate Medical Affairs Committee Mailbox:](#)
Date: Friday, October 02, 2009 12:39:58 PM

My name is Jay James. My address is P.O. Box 737, Darlington, SC 29540. I practice law in Darlington. While I am on the Board of Directors of the Conservation Voters of South Carolina, I write this as a private citizen and not as a representative of that organization.

I write to express my support for restructuring of the South Carolina Department of Health and Environmental Control (SCDHEC) so that it becomes a Cabinet agency, under the direction and supervision of the Governor of South Carolina. I express my support further for appropriate analysis of the division of SCDHEC into a health services division and an environmental division, with separate directors, both of whom would be Cabinet members.

I believe that SCDHEC is unaccountable politically. I realize that we will have good governors and bad governors. At least, however, the governors are accountable politically.

In 2002, 2003 and 2004 I personally spent hundreds of hours of my time as a private citizen litigating a proposed mega hog farm in Darlington County. The DHEC staff permitted the facility. I and other private citizens then had to spend thousands of dollars and hundreds of hours opposing what turned out to be an illegally issued permit. In the course of discovery in that litigation we learned that, in that case at least, the DHEC staff was doing everything that it could to accommodate the interest of the integrator (a subsidiary of Smithfield). We found ourselves aligned against not only the integrator but also the Farm Bureau and the regional Farm Credit Agency.

The administrative law judge ruled that the permit had been issued illegally, on several grounds. The permit holder then appealed. The DHEC Board, by a 5-2 vote, affirmed the administrative law judge. Fortunately for all concerned no further appeals were made.

The only oversight that the governor's appointees on the Board had seemed to be at the appellate level, after months and months of expensive litigation. When bonehead decisions are made by the staff citizens need avenues other than expensive litigation in which to seek redress. One such avenue would be to petition the governor to look into the matter. While it is certainly possible that a governor can be wrong too, he is at least accountable to the citizens of South Carolina.

I appreciate so much the committee considering these remarks. Should there be any questions, I will be happy to respond.

Jay James
P.O. 737
Darlington, SC 29540
843-393-3881

From: [Anderson Jr, William D](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: S.384
Date: Friday, October 02, 2009 12:44:38 PM

Dear Members of the Senate Medical Affairs Restructuring Subcommittee:

Below are my comments on S.384:

Passage of this bill would mean that one person, the Secretary of Health and Environmental Control, would be directly accountable to the Governor and people of the State for formulation and implementation of environmental policy. Also replacing the current board with a three member Board of Health and a three member Board of Environmental Control, with each board reviewing permit applications that fall within its purview and coordinating with the other board when appropriate, would lead to greater administrative efficiency.

I support this proposal because I think that it would produce a more accountable and transparent agency and put more specific expertise in place for considering permit applications, with the result that agency action would be as consistent as possible.

William D. Anderson, Jr.
655 Clearview Drive
Charleston, South Carolina 29412-4508

From: [Sara Hopper](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: Comments on S.384, DHEC Restructuring
Date: Thursday, October 01, 2009 5:38:07 PM
Attachments: [SCMA Comments on DHEC Restructuring.doc](#)

Please find the attached document containing the comments on behalf of the South Carolina Manufacturers Alliance in regards to S.384, the DHEC Restructuring bill.

Please let me know if you have any questions.

Sincerely,

Sara N. Hopper
SC Manufacturers Alliance
VP of Government Relations
1340 Bull Street
Columbia, SC 29201
(803) 799-9695 (W)
(803) 530-6495 (M)

SCMA – The Voice of South Carolina Manufacturing



October 1, 2009

<Submitted Via Email>

Senate Medical Affairs Restructuring Subcommittee
Attn: The Honorable Danny Verdin
Gressette Building 213
Columbia, SC 29201

Dear Chairman Verdin,

Please accept these comments on behalf of the South Carolina Manufacturers Alliance on S.384, the Department of Health and Environmental Control Restructuring bill.

In many instances, government restructuring is a worthy cause and should be a top priority for policy makers. Practically speaking, however, not every agency is in a condition that requires restructuring, and politically speaking, not every agency is a good candidate for restructuring. As a result, the General Assembly should assess need and prioritize those agencies whose operating conditions and effectiveness are so poor that good government is actually threatened. Under this analysis, DHEC would not be a candidate for restructuring.

The South Carolina Manufacturers Alliance believes in the Cabinet form of government, but we also strongly believe that to restructure an agency, there must be a compelling case to do so. For DHEC, we have not seen any evidence of that case being made, and we fundamentally disagree with the flimsy notion that DHEC has flaws which are so severe that restructuring is necessary.

In late 2008, The State newspaper interviewed us about alleged issues with DHEC. We were asked to respond to the allegation that DHEC was lax in its enforcement of environmental rules and regulations. Frankly, anyone who would make such a statement has either not tried to get a permit from DHEC or has another agenda altogether.

SCMA's members interact with DHEC every day, and they generally report that DHEC is as tough as most, if not all, of their counterparts in other states. We may often get good customer service from the agency, but a relaxed and easy approach to regulation is not part of our experience.

In fact, our members believe that at times the air and water bureaus of DHEC are far too stringent in their approaches. When we have those disagreements, we fight with DHEC as hard as anyone, and they do the same with us. Sometimes we get what we want, sometimes we do not, but that is the nature of government regulation. What we do, however, experience from this agency is a willingness to listen and to try to find solutions.

We believe DHEC's board and staff are comprised of dedicated, hard-working professionals whose work places them in a difficult situation. Most permit applicants are at some point entitled by law to their permits. It is not for DHEC to decide whether they like what the applicant wants to do or not – rather, they must apply the standards you give them to the application and determine whether a permit is appropriate. We often find that our arguments with DHEC are

over the terms of a permit – not whether we are going to get one.

To the contrary, there are some in the environmental movement who oppose the issuance of the permits themselves regardless of the terms. So, when a permit is issued, they are not going to be happy. That places DHEC in a very difficult position.

Environmental regulation is a tough area, and the job of DHEC is not one to envy. They handle it well, and if you believe the old adage that you must be doing a good job when you are never able to make everyone happy, then DHEC excels.

Unfortunately, The State newspaper series from last year performed a great disservice to the debate over DHEC. By virtually refusing to acknowledge substantively contrary opinions, the newspaper engaged in agenda-driven, advocacy reporting. The articles seemed to be nothing more than talking points generated by the environmental movement – a group of organizations often committed to the obstruction of progress regardless of environmental protections or safeguards in place. The goal was readily apparent – restructure DHEC into a form more easily dominated by the extreme environmental movement and decidedly more opposed to the growth of productive, job-creating businesses.

In addition to its effective protection of the environment and public health, DHEC has a good reputation as far as the management practices of the agency. With this agency, you do not have financial mismanagement; you have accountable officials at all levels; you have a very competent staff whose budgets are so lean that it is a wonder they accomplish their mission as well as they do. You have a professional, often aggressive approach to regulation. The problems that normally demand a serious evaluation of government restructuring simply do not exist.

As mentioned earlier, prioritization for any plans to restructure government is essential. There are other agencies whose circumstances scream out loud for restructuring into the Governor's Cabinet, and we believe strongly that the General Assembly should focus its efforts on starting with a proposed Department of Workforce and moving from there. DHEC functions well now; fix what is truly broken.

One final note on the bill. Although not the principal issue, we are fundamentally opposed to splitting the functions of the agency. We see protecting the health and environment as two consistent missions each dependent upon the other. It is ironic to us that the very groups who stress the alleged ill health effects of permitted activities believe you should split the missions.

We would encourage you to look just below the surface of the media attacks on DHEC and to appreciate the work they do. We are not telling you they are perfect, and you will often hear us within these four walls complaining about them. That doesn't mean the agency is broken, nor does it mean you have to completely change its structure. We ask you to leave DHEC intact and to give them the appropriate guidance and leeway to continue looking for balance in their work.

Sincerely,

A handwritten signature in black ink that reads "Lewis F. Gossett". The signature is written in a cursive, slightly slanted style.

Lewis F. Gossett
President and CEO

From: [Bruce Lawrence](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: Written comments for hearing
Date: Friday, October 02, 2009 2:16:26 PM

This op-ed expresses my concerns better than I could even begin to write.

September 29, 2009

Push state government restructuring

State Senate Majority Leader Harvey Peeler, a Gaffney Republican, has given some much-needed momentum to a renewed restructuring push of South Carolina's outdated, inefficient and often unaccountable state government. He has appointed a medical affairs subcommittee to begin work on three bills that would restructure state health-related agencies in ways that make good sense.

Peeler, who also is chairman of the Medical Affairs Committee, wants the subcommittee to begin its work this fall in advance of the Legislature's return in January. The process will be open to debate and to amendments, he said in an interview carried by S.C. Radio Network, "so hopefully we'll come up with a product that the people of South Carolina can enjoy."

South Carolina's structure of state government is, for the most part, outdated and impractical, as Gov. Mark Sanford has been saying since he ran for office seven years ago. But the governor tests the bounds of believability with his claim that his recent personal problems have helped to both make him a stronger leader and create an environment in which the Legislature is more open to restructuring state government.

The governor is a wounded chief executive. He has picked unnecessary fights with legislators since taking office in 2003, and he seems to have gone out of his way to make enemies in the very body that must sign off on any restructuring ideas.

Sanford was probably closer to the truth in January when he told a number of editorial writers that legislators perhaps would be more open to restructuring now that he was approaching the end of his second term and another governor, not Sanford, would be the beneficiary of any changes in state government.

Regardless of why some key lawmakers may be warmer to the idea, the upshot is South Carolina would be the winner if more agencies were consolidated under the executive branch, costly duplication was avoided and the lines of accountability became much clearer.

To this end, Sen. Peeler is picking a great place to focus on restructuring. His

subcommittee will consider three bills, and two already have cleared the House. Those are bills that would create the Department of Behavioral Services as a Cabinet agency and in doing so would merge the Department of Mental Health, the Continuum of Care, and the Department of Alcohol and Other Drug Abuse Services. The second bill would make the Department of Disabilities and Special Needs a Cabinet agency.

The third bill, which would need Senate and House approval, would make the huge and unwieldy Department of Health and Environmental Control a Cabinet agency that would be led by a secretary appointed by the governor. And because the agency now has two distinct missions that sometimes seem in conflict, it would be divided into two boards: a Board of Health and a Board of Environmental Control. Each board would have three members appointed by the governor.

The Senate subcommittee will be taking up significant proposals for changing state government for the better. Such reform is absolutely essential for improving how state government functions.

Restructuring state government, even if it's done in small pieces, will help ensure limited tax dollars are being spent more effectively and state residents are getting the best service possible.

[http://www.greenvilleonline.com/apps/pbcs.dll/article?
AID=2009909290303](http://www.greenvilleonline.com/apps/pbcs.dll/article?AID=2009909290303)

Bruce M. Lawrence, Jr.
1520 Senate Street, Unit #117
Columbia, SC 29201
704.576.5828 cell
Bruce.lawrence@gmail.com

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"The tragedy of life is not found in failure but complacency. Not in you doing too much, but doing too little. Not in you living above your means, but below your capacity. It's not failure but aiming too low, that is life's greatest tragedy." –Benjamin E. Mayes (S.C. Native & Mentor to MLK Jr.)

From: nancybutton@comcast.net
To: [Senate Medical Affairs Committee Mailbox:](#)
Subject: Response to Bill Number 384
Date: Friday, October 02, 2009 6:22:41 PM

Dear Senators,

I live in the Rosemont neighborhood, which is located on the edge of the City of Charleston, at the southernmost area of North Charleston. My neighborhood has existed long before I-26 was built, and the citizens of Rosemont have been neighbors to highly toxic industries, increasing numbers of trucks and diesel pollution, and soon, a new port terminal.

I have always been concerned about my health, but Rosemont is where I was born and raised. My home was built by my father, and now my sister and I live here and are raising my nephew. Neighbor after neighbor has died of various forms of cancer. In my family, we suffer from respiratory problems. When we heard the port was building a new terminal and the access road for thousands more trucks was planned to go directly through Rosemont, we became very worried. My neighbors and I are already sick-now more trucks right over our heads?

When I learned that diesel pollution can cause cancer, heart problems, breathing problems, and strokes, I went to DHEC. I asked them to help us. I learned that there could be toxic pollution surrounding our schools, so I participated in a press conference to ask DHEC to test the air. The schools said they would determine a solution. It required national media attention for DHEC to get involved!

Why do people have to keep begging DHEC to test the air around our schools, our homes, even our jobs? Why are they allowing a new port terminal and all of that ship and truck pollution to move in practically on top of us? Why do we keep allowing pollution to pour out of smokestacks and into our lungs, our soil, and our water without proper DHEC oversight?

The Post and Courier recently had an article saying that, now that the

EPA is involved with monitoring the air near one of our North Charleston schools, they have found higher levels of a pollutant called acrolein. This chemical can irritate eyes, noses, and throats, and can really bother people who already have respiratory problems- like my nephew who attends the Military Magnet school down the road. Acrolein comes from industries and trucks.

Yet DHEC keeps telling us in public meetings that our air quality is fine and living near a port is not a problem, and they keep permitting things like new terminals and truck access roads. When will DHEC start protecting us, instead of the interests of businesses? People living around port, truck routes, and rail yards have increased rates of cancer and heart disease. They are cleaning up pollution from ships and trucks in other places, but not here. Why can't South Carolina do better by its citizens?

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Thank you,
Nancy Button, President
The New Rosemont Neighborhood Association

1841-B Doscher Avenue
Charleston, SC 29405
(843) 744-3306

From: [Janet Mastrobuono](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: DHEC issue of 10/05/09
Date: Saturday, October 03, 2009 6:20:45 AM

The Governor should NOT be in control of DHEC and that this should NOT be a Senate bill. DHEC should remain a separate state agency.

Thank you for keeping our beautiful environment top priority!
Ralph and Janet Mastrobuono
Greenville, SC

From: [Linda and Pressly Hall](#)
To: [Senate Medical Affairs Committee Mailbox:](#)
Subject: Concerning the effectiveness of DHEC
Date: Saturday, October 03, 2009 9:54:49 AM

Dear Sir/Madam:

Our family, along with our neighbors, spent much of last year in dealing with DHEC concerning a matter that would have had a negative environmental impact on our community in Newberry County. Not only were we spoken down to as though we were imbeciles, we were given false information to, seemingly, make us go away.

To make a long story short, a permit was granted by DHEC in spite of the concerns raised. One can only conclude that DHEC's mission---to safeguard the health and well-being of the citizens of South Carolina---is not, in practice, their primary mission.

While some of the agency's actions are to be commended---response to swine flu, outbreaks of school illness, etc., their favored treatment of the poultry industry is blatantly noticable. Our creeks and rivers are being sorely damaged by run-off, and they eventually flow into the Columbia area.

Please, before further damage is done, bring this agency under the direct purview of the governor through the appointment of a Secretary of Health and Environment who would answer directly to the governor, thus making the agency accountable for its decisions, and hopefully, more focused on the ramifications/consequences of their permitting process. DHEC is currently operating out of control on the matter of permitting, and people are paying the price with health problems.

It has occurred to many that DHEC is primarily a reactionary agency rather than a proactive body. Prevention of damage would seem far better than having to undo damage once it has occurred.

Please consider this letter a plea for a more effective, accountable, and unbiased state agency.

Yours truly,

Linda Caldwell Hall

7307 Old Whitmire Hwy.
Newberry, SC 29108

From: [Yolanda Gordon](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: Restructuring
Date: Saturday, October 03, 2009 8:29:53 PM

Dear Ma'am and Sir:

My name is Yolanda Gordon and I am a resident of Fort Mill, South Carolina. I have read House Bill 3199, Senate Bill 384, and House Bill 3314. I do not believe that an agency should be controlled by the Governor of the State of South Carolina. That leaves the organizations open to have a different person running it every time a new governor is elected. This will lead to turn over. With House Bill 3314, Breaking down each division is a great idea, but there should be a director and a sub committee for each division. One person should not carry the weight of all of the divisions. Again the governor needs to be taken out of the equation. The commission not the director should be the deciding voice when it comes to obligations and to improvements. The director should be the facilitator to what the commission decides.

I feel that there is a lot of turn over, alot of waste in these agencies, but putting the governor in charge to decide on who gets tot he job goes back tot he Good Old Boy network, its about who you know, not about what you know or your experiences. I would hope that before any restructuring is finalized that it will be brought to the attention to the families that these organizations serve and that DDSN will be run in a more efficent manner than it is now. Thank you.

--

Yolanda M. Gordon
P.O. Box 12065
Rock Hill, South Carolina 29731

Home: 803-547-6730
Cell: 803-389-2002

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you have received the message in error, then delete it. Thank you!

From: POKelleyP@aol.com
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: Placing DHEC under the Governor
Date: Sunday, October 04, 2009 1:27:23 PM

As a retired DHEC employee who was removed from my position because of a complaint by a legislator, I am in favor of placing DHEC under the governor. Naturally, DHEC and the legislator will deny this but it is a fact. That is not the only or most important reason I favor moving the agency.

The State newspaper articles have stated that legislative intrusions have influenced DHEC decisions. This is not completely accurate. The current upper management of the agency are the ones to blame. They bend over backwards to respond favorably to any legislator's concern or question regardless of the impact on the citizens, the environment, or the employees. Agency decisions and actions are based on political winds and not science and public health.

Legislators as well as private citizens have the right to ask questions about DHEC's actions and policies. The problem arises when DHEC always responds to a question from a legislator by saying, We'll do whatever you want us to do. The current system and DHEC climate results in DHEC having 170 individual bosses with no common goals or direction. This also results in no one to hold accountable. Moving the agency under the Governor would give DHEC only one boss and provide a consistent direction for the agency. Also, someone could actually be accountable for the actions of the agency.

I know the likelihood of the legislature giving up any power is very remote and I truly hope this is not an exercise in futility. Please do what is best for the people and environment of this state and place this and all agencies in the executive branch where it belongs.

From:	jtapp1@sc.rr.com
To:	Senate Medical Affairs Committee Mailbox;
Date:	Sunday, October 04, 2009 6:40:49 PM

Dear Senate Medical Committee,

I saw an article in The State that stated you were considering placing the Governor in charge of DHEC, DDSN and Mental Health and Alcohol and Drug Abuse. I hope, with all my breath, that you/ the legislators do not put anything under this Governor, especially DHEC. This agency is not perfect (nor is any agency or business), but it does its work based on science and research, not whims of whatever governor is in office. I have friends that work in agencies in the Cabinet and they are frustrated that every election brings new leaders and change of focus. DHEC's Board is Governor-appointed and seems like if DHEC was broke (as Sammy Fretwell would have the public believe) then the Governor's own people would be right there to fix it. It is also interesting that DSS is controlled by the Governor and they had a major embezzlement. So, just because the Governor is there, doesn't make it problem-free. *I have much*

*more to say
about the
Governor, but
that is not
for this email.*

Mr. Sandford has proven that he is not a leader, and does not want to lead this state out of the hole it is in. He spends more time away from his job than on it and when he is on the job, he seems to only want to fight against the

people we put in office. I would have long since been fired from my job, if I would have done the things that he has, especially being AWOL for 5 days.

I am tired of SC being the laughing stock of the nation.

Thank you for giving very, very careful consideration to this bill.

Janet Tapp

51 Hamptonwood Way

Columbia, SC 29209

From: [Chester Sansbury](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
cc: [Julie Price;](#)
Subject: Comments on S.384
Date: Monday, October 05, 2009 10:51:47 AM
Attachments: [DHEC restructure bill S.384 - Sansbury submitted comments on 05 Oct 09.doc](#)

Attached are my comments on the DHEC Restructuring Bill, S.384, for input to the Medical Affairs Subcommittee on Restructuring.

Please let me know if you have any trouble opening and using the attached file.

Thank you very much for the opportunity to participate.

Sincerely,

Chester Sansbury

October 05, 2009

Subject: Comments on Senate Bill S.384

TO: SC Senate
Senate Medical Affairs Restructuring Subcommittee
smedicomm@scsenate.gov

Senator Danny Verdin, Chairman
Senator David Thomas
Senator Darrell Jackson
Senator Brad Hutto
Senator Ray Cleary

You will likely get several letters advocating change at DHEC because of an accountability issue. They will cite in their opinion DHEC decisions they disagreed with, without citing any good decisions the Agency has made or policies they have developed.

I retired from DHEC nine years ago after working in environmental quality programs there for 26 years. My last six years was spent in a senior management position (Assistant Chief, Bureau of Water). During my tenure, I issued permits or certifications, developed regulations and presented them to the DHEC Board for approval, and participated in General Assembly Committee meetings. I also testified at Administrative Law Judge hearings and in Circuit Court. I organized and moderated public hearings and meetings and participated in major environmental planning programs and studies. I am very experienced with DHEC's environmental regulatory programs.

Since my retirement I have remained active in community service, environmental organizations, and on DHEC advisory and local government committees. I have participated as a witness in DHEC appeal actions in support of environmental protection efforts and have attended many DHEC Board meetings. I have also submitted comment letters to DHEC staff on permit applications and spoken at DHEC public hearings. I have been active as a member of several non-profit environmental organizations and citizen interest groups and have served on the Board of Directors of a few. I have also been involved in political activities.

Changing the structure of DHEC in the hopes that the Governor would direct decisions based on political will instead of laws and scientific analysis would be a serious disservice to our State and would reflect poorly on the General Assembly. Your assessment of the need for change should be focused on whether a more political decision making process is needed or rather one which would protect a system of laws and objective analysis based on facts and how best to do that. Arguing that giving SC's Governor more control over DHEC and its administration as being more accountable is fallacious. Even under the current system the Governor has more influence than he has exercised. If we are to increase political accountability within our political system, we should begin by providing for direct recall of elected officials, especially the Governor, by voters in our State.

There is a need to establish clear and specific criteria for qualifications for appointment to the DHEC Board and specific descriptions of its role and responsibilities. Unfortunately, I have

noticed a trend the last several years to appoint Board members based on political factors rather than experience and education related to public health and environmental protection.

I encourage you to focus Legislative efforts on things that will help improve environmental protection and conservation programs. The general public strongly supports such programs. I also encourage you to keep environmental protection programs and related public health protection programs together in the same agency. I also encourage moving programs related specifically to medical services to another agency. Creating two boards within DHEC also has some merit.

You should also look at using funds collected by DHEC from fines for violation of environmental laws to support programs that benefit such things as land, air and water quality, recycling and energy efficiency improvement programs, sustainable energy jobs programs, and stormwater control programs.

The SC Department of Health and Environmental Control provides a very important function in helping to protect public health, environmental quality and the common good and quality of life of all our residents. Its objectivity is critical to serving our State well. In your deliberation of Senate Bill S-384 here are several general questions about the bill that you should to thoroughly discuss, such as:

Will control over appointment of the head of DHEC by the Governor increase or decrease the effectiveness and objectivity of the agency? Will it increase objective protection of public health, environmental quality, and the quality of life of SC citizens?

Will it make decision making more or less prone to political influence?

Will it sustain a regulatory decision making system that relies on thorough assessment of laws and regulations and application of scientific reasoning and principles.

Will it provide for appointment of persons highly experienced in health and environmental programs management at lower management levels, such as Deputy Secretaries and Bureau Chiefs? Is the present language on the qualifications of the proposed Department Secretary adequate?

Will limited program funds be used to hire more politically connected staff in positions under a politically appointed Secretary? (From my observations I am aware that several Statewide elected officials have appointed political campaign staff to high level positions in there agencies)

Will it protect the agency from high turnover of staff and decreased moral?

Will it sustain professional staff hiring and development or increase staff more prone to political influence and less scientific and objective regulatory decision making?

Will it potentially improve State funding for environmental protection programs that are presently inadequate, such as water quality protection? Better environmental protection funding mechanisms are needed badly.

Will it really improve accountability in a political system where the Governor cannot be impeached or recalled by voters?

Is the proposed permit review and appeal system adequate to ensure complete objectivity and protection from political influence? Will a cabinet secretary appointed by the Governor be objective in upholding the law and requiring thorough scientific analysis before regulatory decisions are made or will he be more susceptible to political influence?

Are there other environmental protection program legislative needs that have a higher priority than giving control over the DHEC Director to the Governor? Is this where the Senate's efforts should be placed compared to other environmental protection legislative needs?

Here is some additional information that you should also consider:

From: Principles of Public Health Practice, by F. Douglas Scutchfield and C. William Keck

“By contrast, the tenure of State health directors has decreased markedly in the past 20 years. In 1997 the average tenure for former state health officials from all 50 states was 4 years. By 1999, the states of California, Florida, Kansas, and Minnesota each had 9-10 health directors in the previous 15 years.

The state health directors appointed by Boards of Health generally have longer tenure in office than those appointed by Governors, because governors want to appoint department heads who will carry out their policies and initiatives. The largest number of changes in state health officials occur in election years.

The important factor is not the title but who makes the appointment. Whether the Director of the Department is appointed by the Governor, A board is crucial in determining the health director's level of authority, access to state policy makers, and participation in state policy decisions.

The director of the state health agency is appointed by the governor to a cabinet level position in 36 states and the territories, by the head of a superagency in 14 states, and by the state board of health in 4 states. Where there is direct access to the governor, the health director has a greater opportunity to influence health policy both the executive and legislative branches.

As health departments became more involved in issues of environmental protection and regulations of the delivery of medical care, governors and state legislatures concluded that directors should have more political and administrative skills.

Increased turnover in state Health Directors and changes to their qualifications have occurred as the positions have become more political. In the first half of this century, many state health officials served from 25 to 35 years. They were respected leaders in

health affairs in their communities and were frequently leaders in state and medical societies.”

Thank you for your service to our State and the opportunity to submit these comments for your serious consideration of this very important Bill.

Chester Sansbury
418 Harrow Drive
Columbia, SC 29210

From: [Brad Wyche](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: Senate Bill 384
Date: Monday, October 05, 2009 11:31:37 AM
Attachments: [comments on S. 384 \(oct. 09\).pdf](#)

Dear Members of the Senate Medical Affairs Committee: My comments on Senate Bill 384 are attached. Thank you for your consideration of my views. Best wishes, Brad Wyche

BRAD WYCHE
21 Pinckney Street
Greenville, S.C. 29601
864-250-0500
bwyche@upstateforever.org

October 5, 2009

TO: Senate Medical Affairs Committee

FROM: Brad Wyche 

RE: Senate Bill 384

I am writing to express my strong support for Senate Bill 384, which would make the South Carolina Department of Health and Environmental Control (DHEC) a Cabinet agency and abolish the DHEC Board.

I was honored to serve as Chair of the DHEC Board from February, 1999 to May, 2003. It was one of the most rewarding experiences of my life as I was able to see firsthand how DHEC seeks to fulfill its mission of protecting public health and the environment in South Carolina. No agency in our state has a more important mission.

For many years, the DHEC Board had the authority to review and if necessary reverse decisions made by the Administrative Law Court (ALC) in administrative appeals. In 2006, however, the General Assembly essentially reversed this authority. The ALC now makes the final administrative decision. The Board has the discretion to hear appeals but even when it does so, its decision is subject to review by the ALC.

This change of the law has substantially diminished the Board's authority. It now has two basic responsibilities—to hire and review the DHEC Commissioner and to review and approve regulations proposed by the DHEC staff.

The latter is actually not a very significant responsibility because as you know, nearly all DHEC regulations must be submitted to the General Assembly before they can take effect. I saw the practical impact of this requirement for legislative review during my years on the Board. We basically "went through the motions" of reviewing and approving regulations because everyone knew that regardless of what the Board did, the General Assembly had the final word. One particularly distressing aspect of this process was that for many important regulations, opponents would not participate at all in the administrative process but simply wait for the regulation to arrive at the State House where an all-out assault would be launched to derail it.

So in my opinion, the issue really boils down to whether it is worth keeping the Board in place to hire and review the Commissioner. The law already requires the Board, before it can hire a new Commissioner, to obtain approval from both the Governor and the Senate. S.C. Code of Laws Ann. Section 44-1-40 ("For any vacancy occurring in the office of [the Commissioner] on or after February 1, 1995, the board, after consultation with and approval by the Governor, must submit the name of its appointee to the Senate for the Senate's advice and consent"). Basically, the Board's responsibility is to conduct the search for a new Commissioner and to recommend a candidate to the Governor and the Senate for their approval.

The Board does have the important responsibility to review the performance of the Commissioner. But if the Board concludes that the Commissioner should be terminated, this cannot be done without the Governor's approval. S.C. Code of Laws Ann. Section 44-1-40.

In short, I do not believe that the DHEC Board serves much useful purpose today. The important authority that it had for many years—to make final decisions in administrative appeals—has been removed. The General Assembly has control over what DHEC regulations can take effect, and the Governor and the Senate have "veto authority" over who serves as DHEC Commissioner. Thus, in my view, the time has come to abolish the DHEC Board and to make DHEC a Cabinet agency.

There would be many benefits to making this change. First, it would eliminate the current confusion over exactly "who is in charge of DHEC" since the Secretary of Health and the Environment would be directly accountable to the Governor. Second, the selection of the Secretary would be one of the most important decisions any Governor would make, and this would improve the chances of our State finding the best possible person for the job. There is little doubt that the media would provide intense coverage of the Governor's selection process, of the Secretary who is selected, and then of the Secretary's performance. I

think that all of this public attention would bode well for DHEC, making it a stronger and more effective agency. Third, in the public spotlight and as a member of the Governor's Cabinet, the Secretary would be less susceptible to inappropriate pressures and influences from legislators and lobbyists and better able to meet DHEC's responsibilities under state and federal law.

The proposed legislation provides for the establishment of two Boards to review administrative appeals—one Board for environmental cases and the other Board for public health cases. I support this provision because the reviews would be conducted by experts in those fields. I would suggest, however, changing the names of the entities to "Review Panels" in order to avoid any confusion with the current Board.

I appreciate your consideration of my views and of course would be honored to talk with any of you about this important legislation if you wish.

From: [Cary Chamblee](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
cc: earlmeyer@bellsouth.net; [George Booth](#); [Chris Christner](#); [John Curtis](#);
[Don Fuller](#); [Dr. Lou Jolley - CLEM. U](#); [Fritz Lunde](#); [Yodda Pierce](#);
[Ken Rillings](#); [Charles Smith](#); [Susan Corbett](#); [Bob Guild](#); [Allyn Schneider](#);
Subject: Comments on S.384-DHEC Restructuring
Date: Monday, October 05, 2009 11:48:37 AM
Attachments: [Water Committee Letter.doc](#)

Martha

I was asked by the Sierra Club Water Committee Chairman, Mr. Earl Meyer, to forward the attached comments from his committee on S.384 - DHEC Restructuring.

Thank you for the opportunity to present comments.

Cary

--

Cary D. Chamblee
3010 Gervais Street
Columbia SC 29204
Mobile 803-606-1224

From: [angot](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: S.384
Date: Monday, October 05, 2009 12:16:41 PM

I am writing in regards to senate bill s.384 involving the restructuring of DHEC as well as the county disabilities boards. As an occupational therapist, I work daily with special needs children, particularly those age birth to three, and their families. Currently, the children in this population have their services coordinated through the early intervention department of their local disabilities board. According to the information I have received, the aforementioned bill along with H.3199 and H.3314 would involve integrating the special needs boards into a department which would also include behavioral health and mental health and would also place this newly formed department under the control of the governor via the department's named commissioner. This brings about concern 1) because each of these areas of health is broad enough in scope individually that placing them together would likely result in each of them not getting the required attention/funding that it needs, and 2) because more control by the governor will likely lead to instability and/or inconsistency. By this I mean, each time a new governor is elected, the funding for this department will most likely change depending on his/her opinion on the importance of this board. The last thing parents of special needs children want is more instability or uncertainty.

Please take these thoughts into consideration when reviewing these bills, but most of all, please listen to the families. Thank you for your time and attention in this matter.

Sincerely,
Angela G. Beard

From: [Brooke Hartig](#)
To: [Senate Medical Affairs Committee Mailbox](#); [Brooke Hartig](#);
[Phil Hartig](#); [Tina Hartig](#); [Grampa Hartig](#); [Becky Phillips](#);
Subject: Senate Bills involving DDSN and DHEC
Date: Monday, October 05, 2009 1:11:30 PM

I am writing in regards to senate bills s.384, H.3199, and H.3314 involving the restructuring of DHEC as well as the county disabilities boards. As a mother of a child with special needs, my family and I work daily to help her reach her full potential. One of our biggest fears is that the 'system will fail' her. We actively participate in her therapies and work with her on our own to reiterate what each of the therapists do with her. Currently, the children in this population have their services coordinated through the early intervention department of their local disabilities board. According to the information I have received, the aforementioned bill along with H.3199 and H.3314 would involve integrating the special needs boards into a department which would also include behavioral health and mental health and would also place this newly formed department under the control of the governor via the department's named commissioner. This brings about concern 1) because each of these areas of health is broad enough in scope individually that placing them together would likely result in each of them not getting the required attention/funding that it needs, and 2) because more control by the governor will likely lead to instability and/or inconsistency. By this I mean, each time a new governor is elected, the funding for this department will most likely change depending on his/her opinion on the importance of this board. Even our current governor has just signed a bill to replace Babynet with Firststeps. This alone is an example of how the governor would have too much control. My daughter receives services from Babynet, and we were not told about this until after it had already happened.

There are currently 700,000 people with disabilities in South Carolina, but very few advocates for their well-being. Even this year, the only daycare in the Low Country capable of taking care of children with disabilities was closed due to all of the recent 'budget cuts'. Please do not take even more away from our children.

Please take these thoughts into consideration when reviewing these bills, but most of all, please listen to the families. Thank you for your time and attention in this matter..

Brooke Hartig 
www.caringbridge.org/visit/oliviahartig

Hotmail: Free, trusted and rich email service. [Get it now.](#)

From: [Kristin Dawsey](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
cc: [brooke0228@hotmail.com;](mailto:brooke0228@hotmail.com)
Subject: Senate bills s.384, H.3199, and H.3314
Date: Monday, October 05, 2009 1:51:49 PM

I am writing in regards to senate bills s.384, H.3199, and H.3314 involving the restructuring of DHEC as well as the county disabilities boards. I have a dear friend who is a mother of a child with special needs. She and her family work daily to help Olivia reach her full potential. One of our biggest fears is that the 'system will fail' Olivia. They actively participate in her therapies and work with her on their own to reiterate what each of the therapists do with her. Currently, the children in this population have their services coordinated through the early intervention department of the local disabilities board. According to the information I have received, the aforementioned bill along with H.3199 and H.3314 would involve integrating the special needs boards into a department which would also include behavioral health and mental health and would also place this newly formed department under the control of the governor via the department's named commissioner. This brings about concern 1) because each of these areas of health is broad enough in scope individually that placing them together would likely result in each of them not getting the required attention/funding that it needs, and 2) because more control by the governor will likely lead to instability and/or inconsistency. By this I mean, each time a new governor is elected, the funding for this department will most likely change depending on his/her opinion on the importance of this board. Even our current governor has just signed a bill to replace Babynet with Firststeps. This alone is an example of how the governor would have too much control. My friend's daughter receives services from Babynet, and they were not told about this until after it had already happened.

There are currently 700,000 people with disabilities in South Carolina, but very few advocates for their well-being. Even this year, the only daycare in the Low Country capable of taking care of children with disabilities was closed due to all of the recent 'budget cuts'. Please do not take even more away from our children.

Please take these thoughts into consideration when reviewing these bills, but most of all, please listen to the families. Thank you for your time and attention in this matter.

Sincerely,
Kristin Dawsey

From: Pandi410@aol.com
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: Senate Bills S.384 involving DHEC and DDSN
Date: Monday, October 05, 2009 2:51:33 PM

Please strongly consider your votes on these bills. It is highly important to me, a voting SC resident that the children with special needs living in my state get the care that they need. We are closely associated with several children who receive assistance through the county disability board for various genetic disorders and rely on the care for an attempt at maintaining as normal a life as possible for family and child.

Currently, the children in this population have their services coordinated through the early intervention department of their local disabilities board. According to the information I have received, the aforementioned bill along with H.3199 and H.3314 would involve integrating the special needs boards into a department which would also include behavioral health and mental health and would also place this newly formed department under the control of the governor via the department's named commissioner. This brings about concern 1) because each of these areas of health is broad enough in scope individually that placing them together would likely result in each of them not getting the required attention/funding that it needs, and 2) because more control by the governor will likely lead to instability and/or inconsistency. Meaning, each time a new governor is elected, the funding for this department will most likely change depending on his/her opinion on the importance of this board.

Please consider the implications that these bills have on the families and children of your state.

Heather Kemble
1042 Edmund Ct
Summerville, Sc 29483

From: [Vernicel Soriano](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: Restructuring
Date: Monday, October 05, 2009 2:52:48 PM

Dear Sir/Madaam,

Greetings! My husband & I would like to appeal to you to please allow S.384 (DHEC), H.3199 (Dept. of Behavioral Health Services) & H.3314 (Disabilities and Special Needs) to continue their services. They are doing an exceptional job of caring for people with special needs. One little girl who we know will be very much affected negatively if these are taken away. She has a heart of courage, determination & will to live & be with her family, Lord willing, as long as she's able. What a joy it is to see a precious baby girl live to be a year old and going strong with the help of these organization & services. Family and friends are tremendously grateful. You have been place in a position to make a difference and serve as a voice for us. Please do not let these services be taken away.

Respectfully,

Mr. & Mrs. Corey Schoo

5128 Morrow Ln
Summerville, SC 29485

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From: [Allan Stalvey](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: SCHA Comments on Restructuring Bills
Date: Monday, October 05, 2009 3:06:32 PM
Attachments: [Verdin subcommittee.doc](#)
[bhdhec1009.doc](#)

Please find attached letters reflecting SCHA's comments on legislation regarding restructuring DHEC as well as behavioral health services. Thank you for the opportunity to provide this input.



ALLAN E. STALVEY | *Senior Vice President*



O 803.744.3522 | C 803.351.5119 | astalvey@scha.org
1000 Center Point Road | Columbia, SC 29210 | www.scha.org

October 5, 2009

Senator Danny Verdin, Subcommittee Chairman
Senate Medical Affairs
308 Gressette Building
Columbia, SC 29201

Dear Senator Verdin,

The membership of the South Carolina Hospital Association (SCHA) strongly opposes S.384. We oppose both the concept of dividing SC DHEC into two agencies as well as the concept of moving the agency into the Governor's Cabinet. At a time when this sub-committee is also considering H.3199 to consolidate several state agencies into one department for behavioral health services, it seems counter-intuitive to consider splitting another state agency into two distinct entities.

The SCHA supported the original merger of the multiple functions of public health and environmental oversight in 1973 to create SC DHEC and we continue to believe that the quality of the environment and the health of the state are closely linked. Our hospitals are active participants with SC DHEC in ongoing health surveillance activities and regularly demonstrate the linkage between public health and the environment. Whether it is monitoring of periodic outbreaks of food poisoning, illness created by contaminated water supplies, or responding to major chemical spills such as the Graniteville train disaster, both the health and the environmental staffs of SC DHEC must work closely with local physicians and hospital staffs to minimize the impact on the local community. Having both of these critical functions combined in one organization facilitates the coordination of state and local resources to assist the community. If the environmental section of SC DHEC were not linked to the health section to also hire additional professionals such as physicians, epidemiologists, and medical laboratory technicians to accomplish that type of surveillance and responsiveness. That duplication would cost additional state money.

Moving SC DHEC into the Governor's Cabinet would create uncertainty concerning the agency's leadership and staff and reduce access for both the public and health care providers to the leadership of the agency. Frequent leadership changes occur within the cabinet form of government. The average tenure of the gubernatorial appointed public health officials in the nation is 24-26 months. Many of those agency directors come to their position with little knowledge of the internal operation of the agency or past policy decisions of the agency and then they are gone in approximately two years. Often the gubernatorial appointees also replace upper level management positions within the agency. What the public and the healthcare providers of South Carolina want and need is consistency in leadership and staff that can provide long term solutions to issues that are very complicated. It would be very difficult for hospitals to make sound business decisions knowing that enforcement and regulatory staff may change every two years. Appointing a commissioner based on political affiliation or friendship will

not provided the consistency of leadership and policy making needed to deal with the complex and technical issues surrounding public health or environmental decisions.

Currently, citizens and healthcare providers have direct access to the DHEC Governing Board during monthly board meetings and public hearings. The DHEC Board also has the authority to hear appeals of decisions. The various parties have the opportunity to voice their opinions about those decisions at the hearings. The Board must also hold public hearings and approve all regulations before the agency submits the proposed regulations to the General Assembly. It is difficult to believe the public or the provider community would have the same type of direct access to the Governor or his cabinet appointee.

While our members sometimes have disagreements with SC DHEC decisions, they always agree that the staff they encounter are hard working, accessible professionals who are willing to listen. They are dedicated to the mission of protecting the public health and environment of South Carolina. They do their work within very limited budgets and expanding demands. While there is definitely a need to increase their budgets to meet these expanding needs of the state, there is no need to change or restructure the agency.

Sincerely

A handwritten signature in black ink, appearing to read "J. Kirby". The signature is fluid and cursive, with a large loop at the end.

J. Thornton Kirby
President & CEO
South Carolina Hospital Association

From: [Susan Corbett](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: DHEC comment letter
Date: Monday, October 05, 2009 3:55:04 PM
Attachments: [Corbett letter to Senate Committee.rtf](#)

Sir or Madam,
please accept this letter commenting on the proposed changes to DHEC.
Thank you

Susan Corbett
Chair S.C. Chapter
Sierra Club



October 5, 2009

Senator Danny Verdin, Chairman
Restructuring Subcommittee
Senate Medical Affairs Committee
P.O. Box 142
Columbia, S.C. 29202

Dear Senator Verdin:

Thank you for the opportunity to comment on S.384. This bill by Senators Courson and Leventis is a good beginning at solving the long standing and bureaucratically entrenched problems at this all-important agency. This legislation which is an attempt at implementing long overdue restructuring of the SC Department of Health and Environmental Control has much merit, but does not go far enough to solve the problems at this tremendously important agency. Its governance is of utmost importance to the health of our people and our environment.

There are numerous examples of DHEC making monumental mistakes and refusing to correct its errors, or ignoring the problem and neglecting to inform the public of environmental hazards and risks. Often, when the problems are brought to DHEC's attention by environmental groups or private citizens we are faced with a stone wall erected by the polluter and DHEC working together against the public interest and the health of the environment. Just a few well publicized, but none-the less tragic examples are:

- Alpine Utilities, Columbia - Sewage from this facility overflowed for days before the public was notified by citizens via The State. There were numerous reports of illness caused by the collusion between DHEC and the utility. Sewage overflows and the resulting lax reporting of these events are common in our state, resulting in high levels of fecal contamination in our water systems.
- Chem Nuclear, Barnwell - This is a low level nuclear waste dump in Snelling. The facility has been known for years to be leaking Tritium, a carcinogenic, highly mobile radioactive form of hydrogen. Even in the face of proven and documented ground and surface water contamination, DHEC staff testified at a House committee hearing that the facility posed no problem and need not change disposal methods. Thankfully, a well informed committee did not buy into DHEC's charade, and the methods are currently being challenged in court by the S.C. Sierra Club.
- Mercury contaminated rivers and streams - Mercury is a dangerous neurotoxin pollutant that causes neurological problems and effects brain development in children. The biggest source of mercury in our environment is through the burning of coal and its subsequent

South Carolina Chapter • 1314 Lincoln Street, Suite 211 • PO Box 2388, Columbia, SC 29202
<http://myscsierra.org/chapter/> • Phone 803-256-8487 • Fax 803-256-8448

deposition on the land. This mercury then runs off the land into our streams and rivers. The problem is so bad that most game and food fish in our low country rivers are hazardous for human consumption. Recently the DHEC staff recommended and the DHEC Board voted to approve a permit for the emission of 93 pounds of mercury per year to Santee Cooper for their Pee Dee coal plant. This decision was made with full knowledge of the problem and the consequences. This permit would have made the Pee Dee plant the fifth largest mercury polluter in the state and was approved, even though technology is commonly used elsewhere that would greatly reduce the mercury emission. Adding 93 pounds to an ecosystem already saturated with mercury is unconscionable. Only after receiving the permit did the permit holder admit that the plant was not needed at this time anyway.

Another recommended legislative priority is to amend the Declaration of Policy section of the Pollution Control Act by clarifying the obviously conflicting mission of the agency. Section 41-8-20 of the Act states, *“It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety and welfare of its citizens, **maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine flora and fauna, and the protection of physical property and other resources.** It is further declared that to secure these purposes and the enforcement of the provisions of this chapter, the Department of Health and Environmental Control shall have authority to abate, control and prevent pollution”*. Mandating, as public policy, that our Environmental Control agency also be responsible for maximum employment and industrial development creates a dichotomy of mission that often results in confusion and errors in judgment by the regulators. We request that S.384 be amended to remove the references to employment and industrial development in the statement of policy.

We ask that the Senate Medical Affairs Committee take a serious look at DHEC and its continuing poor track record of protecting the environment and enforcing its permits.

Sincerely,

Susan Corbett

Susan Corbett, Chair
Sierra Club, SC Chapter

From: tweety4664@aol.com
To: [Senate Medical Affairs Committee Mailbox:](#)
Subject: in response to bills s.384, H.3199, H....3314
Date: Monday, October 05, 2009 4:18:27 PM

There are currently 700,000 people with disabilities in South Carolina, but very few advocates for their well-being. Even this year, the only daycare in the Low Country capable of taking care of children with disabilities was closed due to all of the recent 'budget cuts'. Please do not take even more away from our children. I am one of those disabled individuals. I am now 23 and I worry about my future!

Please take these thoughts into consideration when reviewing these bills, but most of all, please listen to the families. Thank you for your time and attention in this matter

From: [Elizabeth Hagood](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: S 384 comments
Date: Monday, October 05, 2009 4:25:53 PM
Attachments: [S 384 Comments 10-5-09.doc](#)

Please find the comments of Elizabeth M. Hagood in support of S 384 attached.
Please call if you have trouble with the attachment—it is a Word document.

Elizabeth McMillan Hagood
46 South Battery
Charleston, South Carolina 29401

October 5, 2009

The Honorable Danny Verdin, Chairman
Restructuring Subcommittee, Senate Medical Affairs Committee
P.O. Box 142
Columbia, SC 29202

Dear Senator Verdin:

As a past Chairman of the Board of Department of Health and Environmental Control, I would like to submit comments on Senate Bill 384. Thank you for the opportunity to share my perspective which comes from serving four years as DHEC board chair. This letter will summarize the remarks I made to Senator Courson's subcommittee in March of this year.

It was an honor to serve our state as Chairman of the DHEC board from 2003-2007, and a privilege to work with the dedicated staff of that agency as well as my fellow board members. I have the highest regard for the employees of DHEC and respect for the volunteer board members. During those four years, I developed a clear sense of the state of the agency—its management challenges and governance opportunities. During those years, I observed first-hand, the diminished role of the DHEC board in the governance of that agency, and the increasing need for restructuring of the agency.

The primary reason to restructure the agency is that the DHEC board no longer has the authority to perform the duties it was originally intended to perform. Over the last five years, the role of the DHEC board has dramatically changed from its original purpose. Under its original authority, the DHEC board played 3 key roles:

- 1) To be the final arbiter of agency decisions in the administrative appeals process;
- 2) To review and approve regulations proposed by DHEC staff;
- 3) To review, hire/fire the Commissioner.

None of those roles exist in full today, which is why restructuring of the agency is necessary. Today, the DHEC board no longer makes final agency decisions in administrative appeals—that job was given to the Administrative Law Court in 2005. The DHEC board plays a nominal and largely procedural role in reviewing and approving regulations since the General Assembly retains the power of final regulatory approval. And although the DHEC board conducts the annual review of

the Commissioner (this is its most important role), it does not have the authority to hire or fire the Commissioner on its own.

In short, DHEC is an agency whose governance structure not longer fits the agency. Over the years, the authority and responsibility of the board has been greatly reduced by the General Assembly in piece-meal actions that have left the agency in a structural “no-man’s land”. The original function of an appointed Board performing both administrative oversight of the agency and a quasi-judicial role in administrative appeals simply does not exist anymore. The result is that DHEC has devolved into an agency without accountability or oversight and with a dysfunctional governance structure. It is critical to note that this is a structural problem, not a “people” problem. As such, the challenges facing the agency regarding environmental and health permitting decisions cannot be resolved solely by changing the decision-makers, either staff or board. Unfortunately, the structural dysfunction will remain unless the agency is restructured to eliminate the DHEC board and place the agency in the Governor’s Cabinet.

Thank you for the opportunity to participate in writing in the restructuring deliberation. I would be happy to provide additional information or answer your questions at any time.

Sincerely yours,

Elizabeth M. Hagood
Chairman, DHEC Board 2003-2007

From: [Sease, Beverly](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: Comment on S. 384
Date: Monday, October 05, 2009 4:29:57 PM
Attachments: [S.384.doc](#)

Please see the attached letter from David Winkles, President of the SC Farm Bureau Federation.

Beverly S. Sease
Government Relations Department
South Carolina Farm Bureau Federation
(803) 936-4215



**South Carolina
Farm Bureau Federation**

PO Box 754 • Columbia, SC 29202.0754
803.796.6700 • Fax 803.936.4496
www.scfb.org

October 5, 2009

Senate Medical Affairs Committee
Post Office Box 142
Columbia, SC 29202

RE: Comments on S. 384

Dear Committee Members:

Let me first thank you for affording the South Carolina Farm Bureau the opportunity to comment on S.384. As members of the regulated community, we feel that this proposed legislation would have a detrimental affects on agriculture in South Carolina.

Despite differences of opinions with DHEC in the past, I can't ever recall an instance when the Department, in our view, issued rulings that were not science based. Despite recent accusations, we have seen no evidence where preferential treatment has been given due to legislative inquiries. However, allowing the Governor to appoint the Chairman of the DHEC board could allow for conflicts of interest and undue political persuasion over an agency that is vital, not only, for public health in South Carolina, but economic development as well. The current process of establishing Board members at DHEC and the consequential election of a chairman by those members is the only way to insure against one person having undue influence over the Board.

Furthermore, we feel that splitting the current agency into two departments would only lead to further bureaucracy and ultimately delay the permitting process more so than is already the case. Should the department be split, we envision confusion among our farmers as to which branch of the agency they should consult and the even larger concern of what could happen when disputes arise between the two departments. In many instances, human health and the environment go hand in hand. We believe that the current structure of DHEC allows for both of the concerns to be addressed adequately.

As with anything, there is always room for improvement and the SCDHEC is no exception. However, transitioning from one department to two and allowing gubernatorial appointment authority over the Board Chairman would not be an improvement. Thank you for your consideration of these comments and please let me know if we can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "David Winkles". The signature is written in a cursive, flowing style.

David Winkles
President

From: [Kimberly Haynes](#)
To: [Senate Medical Affairs Committee Mailbox:](#)
Subject: S.384, H.3199, H.3314
Date: Monday, October 05, 2009 4:48:49 PM

To Whom it May Concern,

As a South Carolina citizen and taxpayer, I am writing to OPPOSE the S.384, H.3199 and H.3314 bills. Integrating the special needs boards into a dept. that also handles behavioral and mental health would NOT benefit the people (esp. special needs people) of SC. These areas are way too broad to combine all of them together. Each area would not receive the attention it needs. Furthermore, this new dept. would be under the governor's control which I strongly oppose. This would create instability and inconsistency, considering governor's change every 4-8 years. Every 4-8 years, there would be a differ net way and a different opinion on how to run this dept. The people that would suffer the most would be the SC citizens that this affects.

I have several friends with special needs children, and I know they do not have many advocates in this state. These bills would NOT help these families affected, but hurt them.

Please consider my opinion and the opinions of the families this would affect.

Sincerely,
Kimberly Haynes
Taylors, SC

From: [Ben Gregg](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: DHEC Letter
Date: Monday, October 05, 2009 4:56:56 PM
Attachments: [DHEC Letter on s.384.doc](#)

Comment letter attached. Thanks.

Ben Gregg

Executive Director

South Carolina Wildlife Federation

www.scwf.org

215 Pickens Street Columbia, SC 29205

(803) 256-0670

(803) 256-0690 FAX



October 5, 2009

Senator Danny Verdin, Chairman
Restructuring Subcommittee
Senate Medical Affairs Committee
P.O. Box 142
Columbia, S.C. 29202

VIA EMAIL

Dear Senator Verdin:

Thank you for the opportunity to comment on S.384, legislation aimed at implementing a long overdue restructuring of the SC Department of Health and Environmental Control. DHEC is a tremendously important agency and its form of governance is of utmost importance to the health of our people and our environment.

One of the first legislative priorities for improving DHEC should be to amend the Declaration of Policy of the Pollution Control Act by strengthening the obviously conflicting mission of the agency. Section 41-8-20 of the Act states, *"It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety and welfare of its citizens, **maximum employment, the industrial development of the State**, the propagation and protection of terrestrial and marine flora and fauna, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this chapter, the Department of Health and Environmental Control shall have authority to abate, control and prevent pollution"*. Mandating, as public policy, that our Environmental Control agency, that we rely upon to maintain our state's environmental quality, also be responsible for maximum employment and industrial development is an impossible task. DHEC's less than stellar pollution control and prevention record over the years proves this point. We request that S.384 be amended to remove the references to employment and industrial development in the statement of policy.

We have numerous concerns about our state's ever diminishing environmental quality and case after case of citizens and environmental groups raising legitimate concerns about permits being granted without adequate safeguards only to be opposed by DHEC staff and attorneys at every step in the process. Only yesterday there was a major article in The State about arsenic running into the Wateree River and the battle by a local farmer to force DHEC to enforce a permit and the law. These cases are numerous and often devastating to our environment and costly to citizens who are forced to seek proper permitting and adequate enforcement.

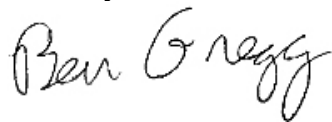
We are the oldest and one of the largest conservation membership organizations in South Carolina. Our mission includes promotion of habitat quality for fish and fishing in our state's public waters. Of major concern to wildlife enthusiasts and fishermen is the problem of mercury pollution in our state's waters and the accumulation of mercury in many fish species to the point that most freshwater gamefish in streams below the fall line are dangerous if eaten in moderate quantities and, in fact, must not be consumed in any quantity by pregnant women and children.

The mercury in our rivers, streams and lakes in large part is caused by coal power plants and other industries throughout the state. Most of this elemental mercury falls to earth within 100 miles of the source, then runs off the land into our streams. At low Ph levels, like we find in our rivers and streams below the fall line, the mercury is transformed into methylmercury, which is bio-accumulated by most fish species. This accumulation of large amounts of methylmercury in fish makes them hazardous when consumed by humans. Mercury attacks the nervous system and effects brain development in children.

Recently, DHEC graphically demonstrated its lack of interest and competence in protecting the public health and the environment when the DHEC staff recommended, and the DHEC Board voted, to approve a permit for Santee Cooper's Pee Dee coal plant. This permit would have allowed the emission of 93 pounds of mercury per year into our already mercury overloaded ecosystem in the lowcountry. Already bass in the area are hazardous to human health, and DHEC permitted 93 more pounds of the hazardous and poisonous pollutant. In fact, under this permit, it would have been the 5th largest permitted emitter of mercury in the state. This, for a plant for which much less polluting technology is available, and for a plant that, according to a subsequent statement issued by the permit holder, was not even needed.

I have mentioned only a few incidents, but there is plenty of evidence that the current DHEC is broken. Sportsmen and wildlife enthusiasts ask that changes be made in the law that will force DHEC to do a better job of protecting our wildlife, environment, quality of life and health for current and future generations.

Sincerely,

A handwritten signature in cursive script that reads "Ben Gregg". The signature is written in black ink and is positioned below the word "Sincerely,".

Ben Gregg
SC Wildlife Federation

From: [Debbie Parker](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Date: Monday, October 05, 2009 4:58:21 PM
Attachments: [Oct 5 Statement to Medical Affairs about DHEC Reform on letterhead.doc](#)

Attached you'll find written comments, on letterhead as requested, on S.384 from Conservation Voters.

Debbie Parker

Legislative/Program Director
Conservation Voters of South Carolina
701 Whaley St., Suite 207, Columbia, SC 29201
(803) 799-0716 office, (864) 266-9770 cell
debbie@conservationvotersofsc.org - Please note new email.
"Make conservation count" and **give to CVSC**.

(This email and all attachments are confidential and intended solely for the recipients as identified in the "To", "CC" and "BCC" lines of this email.)



PO Box 50632, Columbia, SC 29250 * 701 Whaley Street, Suite 207 * 803-799-0716 * (fax) 803-799-0719 * info@conservationvotersofsc.org

October 2, 2009

Senator Danny Verdin, Chairman
Medical Affairs Restructuring Subcommittee
P.O. Box 142
Columbia, S.C. 29202

Dear Senator Verdin:

The SC Department of Health and Environmental Control is an exceptionally important agency whose mission is to protect the public's health and the environmental assets that sustain South Carolina's quality of life, as well as its economic prospects for the future. Clean air, clean water and healthy neighborhoods are absolutely essential ingredients for our future.

Yet as a series of articles in *The State* newspaper thoroughly illustrated last year, the agency lacks leadership and its decisions have been consistently compromised by undue influence from business interests and legislators. Former agency employees constitute a veritable army of professional consultants who routinely bend the agency to their clients' wishes at the expense of the public good.

Expedited and ill-informed permit decisions on such critical projects as the Santee Cooper coal plant, the new Charleston port terminal, a golf course along the banks of the Saluda River, and factory hog farms in the Pee Dee are just a few manifestations of the agency abandoning its mission.

As the series in *The State* revealed, DHEC has withheld important information from communities threatened by toxic contaminants. Only recently and after considerable public pressure did they begin posting signs informing fishermen of dangerous levels of mercury in our state's rivers. Despite repeated calls from physicians and health officials, they have yet to institute a program to test for mercury contamination in humans.

Under DHEC's watch, South Carolina has become a dumping ground for virtually every kind of waste. Despite a 1991 law requiring a demonstration of need for every solid waste landfill permit, DHEC has approved massive landfills that currently bury more than twice what we generate in-state.

One of the largest hazardous waste landfills in the nation exists on the shore of Lake Marion, threatening public drinking water supplies and aquatic life. South Carolina is also the repository of vast quantities of nuclear waste at the Barnwell site, which has already leaked and contaminated groundwater and a tributary of the Savannah River.

Board of Directors

Ann Timberlake
Executive Director, Columbia

Christie McGregor
Columbia

Harriet Keyserling
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June Shissias
Columbia

Cynthia Powell
Myrtle Beach

Virginia Sanders
Columbia

Along the coast, DHEC's Office of Ocean & Coastal Resource Management has consistently allowed development to encroach on fragile ecosystems near the ocean. The agency has aggressively promoted building on beaches that have been renourished at taxpayer expense, in spite of the state's long-held policy that we should avoid building in erosion prone areas and in spite of unanimous scientific opinion that these areas are unsafe for construction.

Too often, DHEC has sided with developers and polluters against citizens and public interest groups. In one example the agency sought to block a class- action suit against Exxon over leaking fuel tanks. The case ultimately concluded with a \$30 million award for the plaintiffs.

Because the challenges at DHEC are deep and structural, no single action is adequate to restoring DHEC's mission to protect the public's health. DHEC's dismal performance demands a bold response and the solutions offered by S.384 meet this challenge.

First, DHEC should become a cabinet agency whose director is appointed by the Governor with advice and consent of the Senate. Cabinet status would increase agency accountability and efficiency. Rather than making the agency more political, cabinet status would assure that the Commissioner is accountable to the public through a publicly elected Governor.

Second, the Board has been stripped of most of its authority and today does not play an essential role in agency governance. The current board structure should be replaced with a three member Board of Health and a three member Board of Environmental Control. Each board should be comprised of members with relevant expertise, and each board should review permits that fall under that area of expertise, coordinating when necessary.

We thank the members of the Senate Medical Affairs Restructuring Subcommittee for holding hearings on this critical issue. We hope S.384 will serve as the foundation upon which to build a new institution that puts the talent of the hundreds of dedicated and competent employees to their highest use and vigorously protects South Carolina's two most important assets: the public's health and our natural resources.

Sincerely yours,

Ann Timberlake
Executive Director
Conservation Voters of South Carolina
PO Box 50632, Columbia, SC 29250
ann@conservationvotersofsc.org

*These partner organizations of the South Carolina Conservation Common Agenda
support reform to bring more accountability
to the Department of Health and Environmental Control:*

Aiken Land Conservancy, Audubon South Carolina, Coastal Conservation League,
Conservation Voters of South Carolina Education Fund,
League of Women Voters of South Carolina, South Carolina Chapter Sierra Club,
South Carolina Native Plant Society, Southern Environmental Law Center,
Wildlife Action

From: [csjebaily](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: Public Comments on S. 384 DHEC
Date: Monday, October 05, 2009 5:03:10 PM
Attachments: [DHEC reform.doc](#)

Please accept the enclosed public comments on DHEC reform S. 384
Thank you.

Sincerely,
Carolyn Schretzmann-Jebaily
709 Maynard Avenue
Florence, SC 29505
843-676-9757 Home
843-269-4009 Cell
email:csjebaily@bellsouth.net

Senator Danny Verdin, Chairman
Senate Medical Affairs Restructuring Subcommittee
P.O. Box 142
Columbia, S.C. 29202

October 5, 2009

Dear Senator Verdin:

In 2005, a land watch organization in the Pee Dee, filed a law suit against the Department of Health and Environmental Control for failing to protect our watershed, Jeffries Creek, from polluted runoff from a proposed big box store. (See Responsible Economic Development vs. SC Department of Health and Environmental Control and Wal-mart, December 2006)

<http://m.sccourts.org/opinions/displayOpinion.cfm?caseNo=26248>

It is well known that urban runoff from paved surfaces such as parking lots, strip malls, and highways is the leading source of pollution in rivers and streams across the country according to the Environmental Protection Agency and the Creek was one of more than 900 waterways on the DHEC list of impaired waterways in South Carolina.

The lawsuit challenged DHEC's approval of the storm water permit which did not protect the watershed from further insult. Ultimately the case was heard by the state Supreme Court where a judge determined that DHEC did not have the power or authority to apply the Pollution Control Act to stormwater. In short, the agency was rendered impotent to protect the quality of water being dumped into our local watershed.

Ironically, the South Carolina Department of Health and Environmental Control (DHEC) was formed in 1973 as a merger of the SC Pollution Control Authority and the SC State Board of Health as "the agency responsible for advising the State in matters pertaining to health and the environment. It has the authority to monitor, control, and prevent pollution, unsanitary conditions, and the spread of communicable disease." Yet, it did not have the authority to require a developer to place a simple filter in its retention pond to prevent polluted water from entering our stream. Even more incredulous was that the cost to the community for taking this case to court was nearly three times the cost of installing the recommended pollution preventative water filter.

A PowerPoint presentation on the history of public health on DHEC's website states: "The environment in which man lives is as important to his health as access to a physician or a hospital." My question is this:

If the South Carolina Department of Health and Environmental Control is not responsible for protecting the health and environment of South Carolinians, who is?

Sincerely,
Carolyn Schretzmann-Jebaily
Past Chair, Responsible Economic Development

709 Maynard Avenue
Florence, South Carolina 29505

From: [Marion Etheredge](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: public comment in favor of S. 384
Date: Monday, October 05, 2009 5:19:21 PM

Dear Senators;

I am in favor of S. 384 and believe the hardworking people at DHEC will benefit

from the restructuring of the current Board. The expanded demands on DHEC

require a more responsive management structure. This change means an increase of accountability and efficiency within DHEC.

The citizens of South Carolina want to safely swim, fish, and boat in our rivers.

This example is just the beginning of the many responsibilities for our newly

invigorated Dept. of Health and Environmental Control.

My dog and I go walking along the beautiful River Walk. When I read the signs

warning of fecal contamination, I am reminded of the danger in the water. I

become anxious and deeply upset. These signs warn people not to swim or

eat the fish they catch at the Riverwalk Park. I am alarmed to see families playing

on the rocks and fishing in the water unaware of the hazard of the bacterial content

in the water. How strange it is to fear a beautiful streaming waterway or be

disgusted by a wet dog emerging from playing on the banks of our river.

None of us should be surprised. Just as our children outgrow their clothes, our

population has outgrown our beautiful state's natural resilience to restore

itself without our public and governmental oversight.

DHEC needs and deserves our full support. There are many more urgent

examples which demonstrate the necessity to vote for S. 384 and better serve

all citizens of this fine state.

I appreciate this opportunity to address your committee in favor of S. 384.

A voting citizen of Richland County, Marion T. Etheredge

From: [BARTON, HENRY E JR](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: Comments on S. 384
Date: Monday, October 05, 2009 5:56:41 PM
Attachments: [SCANA Letter on S. 384-Submitted 10.05.09.pdf](#)

Attached please find comments by Jack Preston submitted on behalf of the SCANA Corporation.

Please let me know if you have any questions.

Thank you

Henry Barton

SCANA Corporation
office: 803-217-9583
mobile: 803-530-7692
hbarton@scana.com



October 2, 2009

Senator Daniel B. Verdin, III
Senate Medical Affairs Committee
Post Office Box 142
Columbia, SC 29202

Dear Senator Verdin:

On behalf of the SCANA Corporation I am pleased to provide the following comments concerning S.384. As the committee is aware the issues of whether to include DHEC in the Cabinet and whether to divide the agency were the final issues decided during the restructuring debate in the early 1990's. The members of the General Assembly developed a thoughtful compromise employing the current board structure with the chairman serving at the will and pleasure of the Governor and the six other members having four year terms.

I believe that the current system works well and should not be changed. The Board structure gives the Governor direct input into the agency's management and policy development. The Board is composed of nonpaid appointees with a diversity of professional and business training that brings unique insight to the agency's operation and management.

Businesses understand the need for reasonable environmental regulations. As citizens of South Carolina we want a clean and safe environment. The business community needs three key elements in the writing and application of the state's environmental regulations: rules based on scientific evidence, consistency in application and an opportunity to participate in the process. The current board structure helps to bring each of these elements to the process. The board allows environmental permitting and regulatory decisions to be made based on science and evidence not emotion.

The public has the opportunity to meet with the Board and discuss concerns before regulations and permits are finalized. The Board is required to hold hearings and rule on the need and reasonableness for all state regulations prior to those regulations going to the General Assembly. If this function is left to a Governor or his staff, the public would lose the opportunity to be heard. Under the current system if one Board member has a radical agenda, that person's view can be offset by six other members. If the Governor is sole decision maker, all of the regulatory decisions could be political decisions.

In order to have the three elements of using scientific evidence, consistency and the opportunity for input DHEC must also have staff and leadership in place with education and experience. If the agency is placed in the cabinet there is a possibility that the interpretation of the regulations could change every election cycle. The Department could lose professional staff who understands the technical nature of these decisions. South Carolina could experience the same broad regulatory changes in programs and philosophy as we see in Washington every four to eight years.



I also urge the committee to keep health and environment together at DHEC. First, splitting the agency will cost more taxpayer dollars. To my knowledge there has yet to be a definitive study showing that the last round of restructuring save the state money. If two agencies are formed there will undoubtedly be additional administrative cost. Second and more important many environmental standards are based on the impact to human health. Currently DHEC has the medical and environmental professional s under one agency. Together they determine the limits that should be applied to enforce emission standards necessary to protect public health. If the two functions are divided there is the possibility of having the one agency developing standards and another agency developing separate standards. This situation occurs at the federal level with agencies setting different standards for human exposure. To use a simple example, one year we are warned against the use of caffeine a short time later we are advised about the benefits of caffeine. Environmental permitting decision are technical and require years of scientific review. At times it is difficult for the lay public to know who to believe. It will be even more difficult for the public if two state agencies develop emission standards for the same permit.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jack Preston".

John. W. Preston, Jr.
Director, Environmental Services

From: [Randy Lowell](#)
To: [Senate Medical Affairs Committee Mailbox;](#)
Subject: Comments on S.384
Date: Monday, October 05, 2009 6:15:03 PM
Attachments: [Verdin ltr from RRL 10-05-09 \(Comments on S 384\).pdf](#)

Please see attached.

Thank you.

Randy

Randolph R. Lowell, Esquire
Willoughby & Hoefer, P.A.
(930 Richland Street)
Post Office Box 8416
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WILLOUGHBY & HOEFER, P.A.

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TRACEY C. GREEN
ALAN WILSON
SPECIAL COUNSEL

*ALSO ADMITTED IN TX

October 5, 2009

VIA ELECTRONIC MAIL

The Honorable Daniel B. Verdin, III
Chairman, Restructuring Subcommittee
Medical Affairs Committee
South Carolina Senate
404 Gressette Building
Columbia, South Carolina 29201

Re: Comments on S.384

Dear Senator Verdin:

Please accept this comment letter for the Subcommittee's consideration on Senate Bill 384 (Bill or S.384), which is currently pending in the Restructuring Subcommittee of the Medical Affairs Committee. In short, S.384, as currently drafted, would have a significant adverse impact on agencies other than the Department of Health and Environmental Control (DHEC), would skewer DHEC's statutory powers, and would split the decision-making structure of DHEC between a board and secretary in a manner that would preclude accountability and promote partial, politicized decisions.

I. Impact on the APA and the ALC

The first two substantive sections of the Bill, Sections 2 and 3, would completely rewrite two sections of the Administrative Procedures Act (APA) and eviscerate the authority of the Administrative Law Court (ALC). These two provisions impact not just the ALC but all departments and agencies over which the ALC has both contested case and appellate jurisdiction. These proposed changes would adversely impact the ability of departments and agencies to effectively administer their programs and provide an adequate avenue of review.

II. DHEC Authority

Curiously, Section 4 of the S.384 appears that it would change the scope of the authority of DHEC. The proposed language would only provide DHEC with power and authority previously provided in Title 44. However, this raises the question of who would administer the Title 48 and Title 49 programs, which include coastal programs, water resources, and land management functions. While this may have been an oversight, this section should be deleted or otherwise amended to preserve DHEC's continued authority to implement these programs.

III. The Role of the Board

The remainder of the Bill seeks to restructure the Board and its functions and the appointment of DHEC's senior executive officer. Currently, the Board has the authority to appoint the Commissioner and to engage in rule-making. In other words, the Board provides accountability for the Commissioner and the agency and has the ability to initiate a process to make law through regulations. The Board also conducts final review conferences of some permitting decisions. These are limited presentations by permittees, DHEC staff, and permit challengers to the Board.

Under the Bill, DHEC would be governed by a secretary and two boards, thereby splitting the governing structure and rendering DHEC less accountable. This is a move in the wrong direction. Under the proposed trifurcated governing structure of DHEC, it is unclear whether DHEC would be governed by a board or governed by a secretary, and which board would have priority in overlapping issues. Public health and environmental issues are intertwined and inseparable. In fact, some environmental standards are public-health based standards. This proposed conflict-ridden management structure easily could result in finger-pointing without answerability, which would also open the door for politicized decisions instead of decisions based on applicable law and science.

Instead, the Subcommittee may take this opportunity to encourage the Board to focus on policymaking rather than individual permit review. One of the most useful and powerful tools in the Board's arsenal is the power to develop policy. The stated rationale for the Board's injection in the administrative review process during the debate in procedural revisions in 2006 over permit review was to develop policy on a case-by-case basis.¹ Of course, trying to develop policy on an *ad hoc*,

¹ As the Subcommittee may recall, prior to 2006 the administrative review process went from the DHEC staff decision to the Administrative Law Court to the DHEC Board for review in an appellate capacity and then to the judicial courts. This process was changed in 2006. Act No. 387, enacted in 2006, originated with a proposal from the S.C. Judicial

case-by-case basis is not the best way to try and establish a coherent, overarching policy for an agency. Instead, the better course would be for the Board to undertake a comprehensive examination of a particular area or concern, considering the impacts and from multiple viewpoints. Upon the conclusion of this evaluation, the Board could either issue a policy statement to guide the DHEC staff in exercising its discretion in permitting decisions or use its rule-making authority to initiate the promulgation of a regulation.

As a part-time body, the Board could best use its limited time and resources to tackle the broader issues affecting the citizens of the State. A strong case can be made to leave the administrative review process to the ALC for adjudication. This leaves the Board free to focus on larger policy issues and leaves adjudications of contested cases in the hands of the full-time, professional adjudicators at the ALC.² Indeed, the ALC and the courts have recognized that the Board is the policymaker for the agency, and it is in this policymaking role that the DHEC Board is accorded deference and can make the most positive impact on the State and its citizens.

Council, which was concerned with a time-consuming and inefficient administrative review process. To remedy this situation, the Judicial Council proposed that challenges to DHEC decisions be challenged directly at the ALC and then appealed to the Court of Appeals. Professor James Flanagan, who worked on the report for the S.C. Judicial Council, explained that there are three considerations favoring eliminating agency review of individual permit decisions:

The first is that decisions of independent and professional [administrative law judges] are perceived as fair and neutral....

A second argument is efficiency in that agency review adds another step in the administrative process. A third argument is that administrative procedure should be consistent for all agencies.

Ltr. from Prof. James Flanagan to the Hon. James Harrison (March 13, 2005).

² Some have argued that the Board has expertise in reviewing environmental decisions. However, under the current practice, any expertise would be better put to use in a policy context. For example, DHEC staff could spend a year analyzing and conducting an evaluation of a project before issuing a permit, while the DHEC Board makes a decision in a final review conference based on presentations that may only last an hour or two. In contrast, the ALJs conduct contested case hearings that often involve significant discovery, cross-examination, and expert testimony, and hearings may last from a day to weeks. They specialize in adjudicating agency decisions, and have dealt with DHEC permitting decisions for years, developing a formidable knowledge base of the issues and concerns in DHEC matters.


CONCLUSION

I respectfully request that the Subcommittee consider amending the Bill to incorporate the following concepts:

- remove all references to the Administrative Law Court to prevent any diminution of its jurisdiction or authority;
- remove any potential decrease in the scope of DHEC's authority;
- retain the Board and the Commissioner in the current structure;
- place an emphasis on the Board's policymaking abilities in furtherance of its statutory mission rather than case-by-case reviews of individual permit decisions.

Thank you for your time and consideration. If you have any questions or if I can be of further assistance, please do not hesitate to contact me.

Very truly yours,



Randolph R. Lowell

cc: The Honorable Raymond E. Cleary, III
The Honorable C. Bradley Hutto
The Honorable Darrell Jackson
The Honorable David L. Thomas

From: [Brooks Harvey](#)
To: [Senate Medical Affairs Committee Mailbox](#);
Subject: Senate Bills involving DDSN and DHEC
Date: Monday, October 05, 2009 9:47:18 PM

I fully agree with Brooke Hartig and her concerns. I have been around her child and see what a happy little child they have. I really believe you should listen to the families before you make some really wrong decisions. Thanks for your concerns in this matter.

I am writing in regards to senate bills s.384, H.3199, and H.3314 involving the restructuring of DHEC as well as the county disabilities boards. As a mother of a child with special needs, my family and I work daily to help her reach her full potential. One of our biggest fears is that the 'system will fail' her. We actively participate in her therapies and work with her on our own to reiterate what each of the therapists do with her. Currently, the children in this population have their services coordinated through the early intervention department of their local disabilities board. According to the information I have received, the aforementioned bill along with H.3199 and H.3314 would involve integrating the special needs boards into a department which would also include behavioral health and mental health and would also place this newly formed department under the control of the governor via the department's named commissioner. This brings about concern 1) because each of these areas of health is broad enough in scope individually that placing them together would likely result in each of them not getting the required attention/funding that it needs, and 2) because more control by the governor will likely lead to instability and/or inconsistency. By this I mean, each time a new governor is elected, the funding for this department will most likely change depending on his/her opinion on the importance of this board. Even our current governor has just signed a bill to replace Babynet with Firststeps. This alone is an example of how the governor would have too much control. My daughter receives services from Babynet, and we were not told about this until after it had already happened.

There are currently 700,000 people with disabilities in South Carolina, but very few advocates for their well-being. Even this year, the only daycare in the Low Country capable of taking care of children with disabilities was closed due to all of the recent 'budget cuts'. Please do not take even more away from our children.

Please take these thoughts into consideration when reviewing these bills, but most of all, please listen to the families. Thank you for your time and attention in this matter..

Upstate Forever

Promoting Sensible Growth and
Protecting Special Places in the Upstate

July 31, 2009

Andrea Truitt
Audit Manager
Legislative Audit Council
1331 Elmwood Ave., Ste 315
Columbia, SC 29201

Ms. Truitt,

We are pleased that the Legislative Audit Council is evaluating DHEC's current policies on informing, and seeking input from, the public on issues and concerns relating to environmental pollution.

Upstate Forever is a nonprofit, membership-based organization working on conservation, air and water quality, and land use issues in the Upstate region of South Carolina. Supported by over 2,400 members, we have three main programs: Land Trust, Clean Air and Water, and Sustainable Communities.

Within each of our programs, we have actively participated in DHEC's permitting process on a wide range of activities and projects, including landfills, wastewater discharges, certifications of federal dredge and fill permits, and air emissions. We have seen first hand that DHEC's public notice and comment policies are seriously flawed. In this letter we describe each deficiency and then offer a specific recommendation for change.

1. **The public is not informed about a proposed discharge or activity until very late in the process.**

Typically, DHEC does not issue a public notice about a proposed discharge or activity until a draft permit has already been written. This is often preceded by several months of discussions and negotiations between the agency and the applicant. By the time the public even finds out about the proposal, it is very late in the process. The discussions and negotiations have already occurred, and an actual permit has already been drafted. In many cases, it seems that DHEC has already made up its mind to issue the permit and is only "going through the motions" of allowing limited public input.

P.O. Box 2308 Greenville, SC 29602

Phone: (864) 250-0500 Fax: (864) 250-0788 E-mail: info@upstateforever.org

Recommendation: DHEC should notify the public when a permit application is submitted and allow for meaningful public input and involvement at that time, including the opportunity to participate in discussions and negotiations relating to the draft permit.

2. Public notices typically contain little useful information about the proposed discharge or activity.

Most public notices issued by DHEC contain only the following information: (1) the name of the applicant; (2) the location of the proposed discharge or activity; (3) an extremely limited summary of the proposal; and (4) boilerplate language about the process. We have enclosed the public notice of a permit application to discharge wastewater, which is typical of the minimal amount of information provided to the public. There is no information about the types and amounts of pollutants that are proposed to be discharged. Without that information it is impossible to evaluate and comment on the application.

Thus, in most cases, the public is forced to file a Freedom of Information request with DHEC to obtain the necessary information. It typically takes DHEC two to three weeks to process the request and send the documents, and when the information is finally obtained, there is very little time left before the deadline for public comments (usually only 30 days after the public notice). Under these circumstances, it is extremely difficult, if not impossible, to review the documents and prepare comments on the application.

Recommendation: At the time DHEC notifies the public of the permit application, it should provide detailed information about the proposed discharge or activity, including a fact sheet with the proposed types and levels of pollutants. If and when DHEC decides to issue a draft permit, another public notice should be issued which includes the draft permit and fully explains the basis for the decision.

3. Monitoring data from permittees is not easily and readily available to the public.

DHEC typically requires permittees to sample their discharges and emissions and report the results to the agency. This information is not readily and easily

P.O. Box 2308 Greenville, SC 29602

Phone: (864) 250-0500 Fax: (864) 250-0788 E-mail: info@upstateforever.org

available to the public. In many cases, it can be obtained only by filing Freedom of Information Act requests.

Recommendation: DHEC should develop a searchable online database of the monitoring results submitted by permittees.

4. There is no program for promptly notifying the public of environmental violations.

DHEC collects and receives a tremendous amount of information about environmental conditions in the state. This information comes from the monitoring reports of permittees, from DHEC's own network of monitoring stations, and from companies and persons involved in studying or cleaning up contaminated sites. While some of the information eventually finds its way into reports, such as the annual list of impaired waters, the agency has no program for promptly notifying the public of violations. Thus, in most cases, the public either never finds out about the violation or learns about it long after it occurred.

Recommendation: DHEC should develop a real-time and user-friendly online database of environmental violations (of both permits and ambient standards) and a frequent (at least monthly) notification system for informing the public of these violations on a per-resource and per-county basis. For example, a citizen could request and receive electronic notification of all wastewater discharge permit violations in Greenville County.

5. Current notification procedures use paper mailings, which are expensive and cause delays.

DHEC continues to use paper mailings to provide notifications to the public. This is expensive, is inconsistent with the agency's mission, and causes substantial delays.

Recommendation: DHEC should provide an electronic notification option in addition to the current paper notification system.

Conclusion

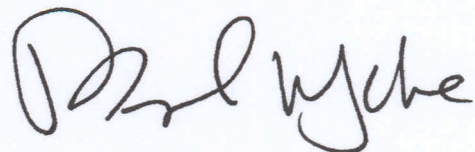
On its website, DHEC states that it “views the public as its partner in protecting the environment. We value public opinion and believe that our mission of protecting the environment and public health will be improved through enhanced public involvement.” DHEC Website, *Environmental Quality Control—Public Participation*.

Regrettably, DHEC’s current policies fall far short of achieving this goal. The agency provides very little information to the public about proposed discharges and activities and very little time for public comment and review. Yet, permit applicants are afforded ample time and extensive opportunities to meet with DHEC staff and discuss and negotiate the permits they are seeking. It is an unfair and unequal playing field. In addition, DHEC’s extensive database on environmental conditions is not readily and easily available to the public, and there is no program for promptly notifying the public when violations of permits and ambient standards occur.

Implementation of our recommendations will make DHEC more transparent and accountable and will go a long way toward making the public a true and effective partner with the agency.

We appreciate the Audit Council’s consideration of our comments and recommendations. Please let us know if you have any questions or need any additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Wyche". The signature is fluid and cursive, with the first name "Brad" being more prominent than the last name "Wyche".

Brad Wyche
Executive Director

P.O. Box 2308 Greenville, SC 29602

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Home Builders Association of South Carolina

1419 Pendleton Street, Columbia, SC 29201
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One Vision...One Voice

October 2, 2009

The Honorable Danny Verdin
Subcommittee Chairman
Senate Medical Affairs Committee
SC Senate
P.O. Box 142
Columbia, SC 29202

Dear Chairman Verdin,

The Home Builders Association of SC represents over 5,000 home builders and home remodelers throughout South Carolina. Our mission is to make the American Dream of home ownership a reality for the citizens of South Carolina. Our industry is an important spark plug in our state's economy. We are writing today in reference to bill S.384.

The home building industry is one of the most regulated industries in the state. We are regulated by a number of state and federal agencies including DHEC. As with any regulated industry, we have had our differences of opinion with these regulatory agencies. DHEC is no exception!

If we have taken one call from our members complaining about DHEC over the years, we have taken 50. DHEC is forever telling our members not to do something that we want to do. Their intricate and ever-changing regulations are Chinese to many of our members. They have employees that on occasion need a little more customer service training. And on occasion as one would imagine in a state agency, applications end up on the wrong desk resulting in delays in the processing of applications.

While over the years our members have had numerous complaints about DHEC, we must admit that most of the time we were able to work through the issues and get them resolved in a timely manner. Rarely did we get exactly what we wanted, but usually our members were able to get a resolution to the issue that they could live with. Sometimes the answer was no. Our members don't like the answer, but they understand it!

Here is why DHEC has been able to be a fair and balanced regulatory agency:

1. They go by the book. They interpret the regulations based on years of experience and technical knowledge. Their decisions are based on the regulations, and they implement them as uniformly as possible.
2. Their regulations are based on science, rather than politics and ideology. Our industry may not like the scientific results, but is hard to argue with science.

3. Many of their regulations are federal mandates (EPA, etc.) - unfunded I might add. DHEC is given narrow tolerances in which to operate and have little discretion within the federal regulations.
4. DHEC is willing to work with citizens of the state to resolve issues. When issues arise in our industry, we go directly to DHEC administration and/or DHEC staff. We feel we get a fair hearing and a willingness to explore different solutions to the problem. Example: Builder had a problem with DHEC. Earl Hunter killed a morning listening to the concerns. Some he agreed to look into, and others there was nothing he could do. Builder was content with the airing of his issues and appreciated the top DHEC administrator listening to his concerns.
5. DHEC is a high profile agency involved in controversial issues. They long ago realized that you can't please everyone – never have and never will. Their success has been predicated by using the science as a basis of their decision making.
6. DHEC has limited and diminishing financial resources, like all state agencies. More money could solve some of their staffing issues, but they have adapted to their financial reality. Example. DHEC worked with our association to set up an expedited permitting program. Builders paid more, more DHEC staff was retained, and a faster permitting process resulted. A win-win solution for all.

While the current bill S. 384 may have been well-intended, it misses the mark in achieving efficiency and moving our state forward. **We would raise the following concerns with S. 384 as drafted:**

- A. Instead of working to divide the environmental and the health sections on DHEC, we should be working to get them closer together. In the 21st century with the scientific advancements, we have seen the line between health and environmental issues getting greayer with the two now more dependent than ever. By keeping these sections together, DHEC can continue to have a balanced agenda and not be tempted to pursue a more liberal and ideological agenda.
- B. Our industry is regulated by both the environmental and the health sections of DHEC. Splitting DHEC into two agencies would mean that our industry and others would be faced with two competing agencies. Two agencies, two permits, two bureaucracies, two separate agendas, and one giant step backward!
- C. South Carolina is competing in a world market for jobs, prosperity, and the economic improvement. It is absolute essential that the state environmental/health agency be a strong partner in economic development. If it is not, we will see more and more 21st century companies locating elsewhere, and SC citizens will see their state fall further and further behind economically. Removing economic development from DHEC's mission would ensure that our sister states would continue to develop 21st century economies, while South Carolina would be stuck in the 20th century. Example: The BMW plant location - DHEC was at the table with state leaders to insure regulations were being met, and that DHEC could anticipate problems and address them in an expeditious way.
- D. There has been a concern stated that members of the General Assembly have undue political influence at DHEC. However, S. 384 would install as the top administrator a political appointee reporting to a politicized Governor. S. 384 would take political influence on DHEC to a new and much higher level. Under this structure the Governor could directly influence regulatory decisions that would help his political supporter undermine environmental safeguards. We have

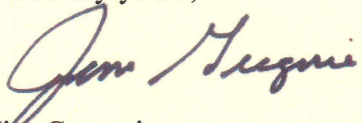
recently seen a Governor trying to influence the DHEC Board, one can only imagine this would become standard operating practice if S. 384 passed.

- E. South Carolina is in a budget crisis and does not have the money to spend dividing DHEC. Our priority should be on creating jobs for our citizens, helping the SC economy recover, and moving our state into the 21st century. We should not waste our precious resources on frivolous and unneeded restructuring. If restructuring is a state priority, then there are a number of troubled state agencies just begging for restructuring.
- F. The home building industry is very environmentally-friendly. Our industry is leading the effort to build “green” homes, recycling construction waste into construction materials, and dramatically improving energy efficiency of new homes. We need a single, unbiased, scientific - based DHEC that will work with us to keep South Carolina’s environment healthy for new generations of South Carolinians.
- G. In the last century DHEC was split into two agencies as part of a restructuring effort. The results were abysmal, and within a couple of years the agency was put back together. The experiment didn’t work back in the 20th century and it isn’t going to work today! In fact, given the complexity of environmental issues today, all indications are that it will be much worse this time!

In conclusion, the Home Builders Association has significant concerns over S. 384 and would encourage the Senate Medical Affairs Sub-Committee to give S. 384 an unfavorable vote. As a regulatory agency, DHEC is never going to please everyone. Instead, of increasing inefficiencies in DHEC by splitting it up, we should be working within the existing system to streamline and modernize DHEC to make it more efficient and attuned to the needs of all South Carolinians. Our association would welcome an opportunity to work with the General Assembly and DHEC to increase the efficiencies and effectiveness of DHEC programs.

We appreciate your service to the citizens of South Carolina and your due-diligence in exploring the intended and un-intended consequences of such a drastic change in the structure and operations of DHEC.

Sincerely yours,



Jim Gregorie
President
HBA of SC



October 5, 2009

Senator Daniel B. Verdin, III
Senate Medical Affairs Subcommittee
213 Gressette Building
Columbia, SC 29201

Dear Chairman Verdin:

Thank you for the opportunity to submit comments on behalf of the South Carolina Chamber of Commerce regarding S.384, DHEC Restructuring legislation.

From our small businesses to large manufacturers, from the most routine of permits to the most complicated, there is no question that South Carolina Chamber members rely on DHEC and interact with the agency on a regular basis.

The Chamber, like many senators serving on this subcommittee, supports many efforts to restructure various functions of state government in order to gain efficiencies and more accountability. However, the Chamber writes today to oppose S.384. The Chamber's Environmental Technical Committee has reviewed this legislation and debated this issue in past legislative sessions and has always had strong opinions that making DHEC a cabinet-level agency is not in the best interest of the state, the business community, or the public.

First and foremost, decisions rendered by DHEC staff and the DHEC board must be based on sound science, not politics. The Chamber does not always agree with DHEC decisions, but our members file permit applications that meet the known requirements of the law, and all we ask is DHEC staff follow the law as well.

Our members worry that if DHEC were made a cabinet-level agency, there would be wide swings in health and environmental policy, much like we see at the federal level. No better example of this exists than the stark differences in the Environmental Protection Agency (EPA) today under President Barack Obama versus the same time last year under former President George W. Bush. The regulated community desires balance in environmental policy in this state. The appointment of a secretary that leans too far to the environmental side is equally as bad as a secretary who has complete disregard for the environment.

Businesses thrive on predictability and stability. S.384 offers neither.

In testimony to the subcommittee on September 23rd, Commissioner Earl Hunter cited a recent story from Kansas where staff was politically pressured to deny a permit that satisfied all tenants of the law. Had S.384 been the law of the land this past year, South Carolina could have faced a similar circumstance.

DHEC staff must have the insulation to freely study issues surrounding a pending permit and make decision based on science and the law in a timely manner. DHEC staff should not be put in the precarious position of balancing science, politics, and many times emotion on issues

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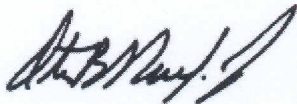
www.scchamber.net

critical to growing our state's economy. All the business community asks is that sound science and current law dictate permit decisions.

The Chamber also believes DHEC should remain as one regulatory agency charged with considering both public health and environmental issues. In many cases, DHEC's work on these missions overlap, and it simply makes no sense to split it into separate agencies. If the agency were split, that state would lose efficiency and be forced to hire additional staff. This would simply cause growth in government and a slowdown in permit decisions.

Thank you for your consideration on this issue. The Chamber believes there is no compelling evidence that warrants the passage of S.384 and asks you and the members of the subcommittee to oppose this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Otis B. Rawl, Jr.", written in a cursive style.

Otis B. Rawl, Jr.
President and CEO

Senator Harvey Peeler
S.C. Senate
PO Box 142
Columbia, SC 29202

Dear Senator,

September 23, 2009

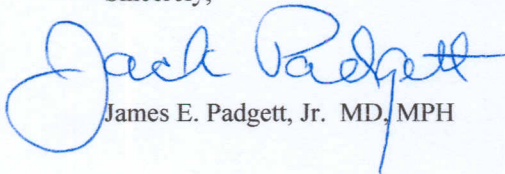
I am a pediatrician, now retired, who was employed by DHEC from 1967 to 1993. I have held multiple positions, including District Public Health Director in Cherokee, Spartanburg, and Union Counties (1980-1988) and two "terms" of Deputy Commissioner of the Health side of the Agency.

The reason for my writing is to give support to your proposal to separate the Health (Medical) and Environmental sides of the Agency. As you are aware, it is the environmental side, which is frequently under fire; rarely the health side, which usually gets praise, particularly in the local health departments.

I can assure you that the vast majority of the employees on the health side will shout hallelujah if the two agencies are separated. It's demoralizing to work for an agency constantly under fire when the concern is not the health side's fault. Because of the environmental side stigma, the majority of county health departments answer the phone with "County Health Department", essentially refusing to answer with "DHEC"

Please move ahead with your proposal. I truthfully believe that essentially all of the health side employees will support the separation.

Sincerely,


James E. Padgett, Jr. MD, MPH

October 5, 2009

Senator Daniel B. Verdin, III
Senate Medical Affairs Committee
Post Office Box 142
Columbia, SC 29202

Re: S-384

Dear Senator Verdin:

I had the privilege of serving as DHEC Commissioner from 1993-2001 and worked for the agency for twenty-five years.

Like some of the member of the committee, I participated in the lengthy restructuring debate in the early 1990's serving as DHEC's legislative liaison from 1987 until my appointment as Commissioner. Placing DHEC in the cabinet or dividing the agency has been a legislative topic numerous times since the 1970's. After months of study and debate the General Assembly decided having the Governor appoint the board with four year terms and the Chairman serving at the will and pleasure of the Governor with the advice and consent of the Senate was the best way to provide both executive branch control combined with accountability. This was a wise decision. What I heard most often during the debate from legislators, business leaders and the public was a desire for a balanced approach to decision making, a desire for professional consistent leadership, the opportunity to have input concerning vital public health decisions and cost effective government.

The board structure provides the necessary balance.

The current structure allows the Governor direct control over the agency's governing and policy making board. The board hires the Director who along with each of the Deputy Commissioners serve "at will." The Senate reviews each board appointment to insure that board members are qualified and do not have a conflict of interest.

While the Governor has control, the board structure is a buffer between the professionally trained public health staff and the potential "knee jerk" reactions that frequently come from controversial public health and environmental decisions. This buffer allows the health and environmental experts to make decisions based on sound science and experience avoiding being forced to make decisions based on the politics of the day.

It is essential to have an arm's length between the "political hot topic" and long term public health and environmental permitting decisions. During his testimony last week Commissioner Hunter mentioned two permitting decisions, Union Camp and the Ridgeway Gold Mine that may have had different outcomes if those decisions had been made on purely political grounds. When making environmental permitting decisions the agency must look at the laws and then make decisions based on the best science and regulatory standards. I do not believe the General Assembly, the public or the Governor really want the Governor to be directly responsible for every environmental permitting decision. Do we

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Senator Daniel B. Verdin, III
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want the Director of DHEC in the same cabinet as the Director of the Department of Commerce? If the Director of Commerce and the Governor recruit an industry and offer incentives to come to South Carolina, do we believe the Governor will take a hands off approach concerning the company's environmental permits? Will the Director of DHEC appointed by the Governor be in a position to take the time necessary to make the proper decision? On the other hand, if we have a Governor opposed to development will industries attempting to locate in South Carolina receive a fair and unbiased permit review?

We have a system that provides a balanced decision making process allowing participation by all parties. Placing DHEC in the cabinet will harm not help the process.

I will provide just one example from the health side where executive power can be misguided. During my tenure as Commissioner I received a letter from the Governor ordering DHEC to no longer provide condoms in our family planning and disease prevention clinics. There had been no exchange of information between the Governor's office and the agency. The Governor's office had not considered the impact on a married mother with three children who for medical reasons could not use other means of contraception. Because we had the backing of a Board with medical professionals we continued to provide this service and educated the Governor's office about why a total ban on this contraceptive was not advisable. This situation along with Union Camp and the Ridgeway Gold Mine are only a few examples about why science and the law have proven to be the correct way to make public health decisions.

Consistent leadership with training in public health.

One of the most important elements the public and business want from DHEC is consistent professional leadership. Moving DHEC into the cabinet would mean the agency leadership could change every four years. On the national level the average tenure for a director of a state public health agency is 24 months. This could mean a change not only at the commissioner level but the entire agency leadership through the deputy commissioners.

DHEC deals with complex issues that can most successfully be addressed by consistent long term strategies. Having constant staff and leadership turnover will mean a loss of institutional memory hindering efforts to improve our environment and the health of South Carolinians. Twenty-four to forty-eight months is hardly time to grasp the full responsibilities of a large agency much less make meaningful change and long term decisions.

Meaningful progress in public health does not happen in two to four year elections cycles. Competent professional leadership with a systematic long term vision is needed to improve the health of our citizens. In the mid 1990's, South Carolina ranked the best state in the nation in immunizing children. This effort involved partnerships with the members of the General Assembly, private physicians and numerous organizations. A similar effort during this period reduced the state's infant mortality rate. The vital work of improving childhood immunizations and reducing infant mortality involved experienced agency directors working cooperatively through the health and human services coordinating council and spanned the terms of three Governors. This level of health improvement is more difficult when agency directors come and go every three to four years.

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Page Three

The state has also made improvements in water quality, in recycling solid waste, in placing land back into use through the Brownfield Program, by closing hazardous waste incinerators in Spartanburg and Rock Hill. The improvements that we have achieved are the result of long term strategic planning and experience not constant changes in leadership.

Value of a citizen board and accountability.

There is value in having a citizen board providing insight into the operation and management of a state agency. As Commissioner, our Board established performance measures that the board reviewed on a quarterly basis. Having people such as Dr. Bill Hull, Sam Applegate, Burney Maybank, Brad Wyche, Rod Grandy, John Burris, Mark Kent, and Brian Smith as Board members helped to bring a real world perspective to DHEC's operations. These Board members were active and insisted on accountability. DHEC had accountability measures in place and a strong five-year strategic plan well before the state mandated these actions by all agencies.

The Board members are available to the public in their hometowns and during the monthly Board meetings. They offer accessibility to the public that would never be afforded to the public by a Cabinet Secretary. These folks bring experience, common sense, accessibility and accountability.

In addition to the Board monitoring performance DHEC is continuously reviewed by the Environmental Protection Agency, Centers for Disease Control, the Legislative Audit Council and Federal Auditors. These audits are to insure that program goals are met and that funds are spent in an appropriate manner. Placing DHEC in the cabinet would do nothing to strengthen either fiscal or program performance.

It is ironic that over the years I have frequently heard the comment that the last thing we need to do in South Carolina is to do things the way they are done in Washington. Changing to cabinet government is the epitome of inconsistency and non-responsive Washington style of government.

Cost effective government.

Currently, DHEC has four Deputy Commissioners: Health, Environment, Health Regulations and Ocean and Coastal Resource Management. The agency has one administrative component. Splitting the agency would result in additional administrative cost for rent and staff in area such as budgeting, personnel and purchasing.

If the environmental and health sections were not linked at DHEC, the environmental section would be required to hire additional professionals such as physicians, epidemiologists and laboratory staff. Under the current system these professionals work together under one agency. Splitting DHEC would place South Carolina on the same track to duplicate the dysfunctional Federal system where at least four different agencies are involved in making the public health and environmental decisions: the Environmental Protection Agency (EPA) issues environmental permits, the Agency for Toxic Substances Disease Registry (ATSDR) studies health risk associated with environmental problems, the Centers for Disease Control (CDC) studies infectious and other diseases and the Food and Drug Administration

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Page Four

(FDA) oversees food and drug safety. Each entity has a director and all of the associated administrative cost. These agencies frequently have different or conflicting opinions on health and environmental issues which leaves the public questioning who to trust concerning these very difficult scientific matters. We need to fully fund and support a single agency designed to promote health and protect the environment. We do not need to copy the Federal system with multiple agencies performing the same function. The goal of restructuring in the 1990's was to streamline not expand government.

I appreciate the opportunity to provide comments concerning this very important issue. The General Assembly made the correct decision in the 1990's by maintaining the DHEC Board and keeping health and environment in the same agency. I urge the sub-committee to study this matter and issue an unfavorable report on Senate Bill 384.

Sincerely,


Douglas E. Bryant



Workforce Development • Profit Management • Business Development • CompTrustAGC

October 2, 2009

The Honorable Harvey Peeler, Chairman
Senate Medical Affairs Committee
PO Box 142
Columbia, SC 29202

Dear Senator Peeler:

I am writing on behalf of the members of Carolinas Associated General Contractors, the largest commercial construction trade association in the Carolinas and the nation's largest chapter of the Associated General Contractors of America since 1920. We represent member firms in both South and North Carolina. In South Carolina alone we have over 750 member firms who employ close to 40,000 people. We represent General Contractors, Subcontractors, Material and Equipment Suppliers, and Service Providers.

Our members have concerns about the changes being proposed in S. 384, the DHEC restructuring legislation, and would like to go on record opposing the legislation as it is currently drafted.

Enclosed are our written comments on S. 384 and we would appreciate the committee's review and consideration of our concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Hope", written over a faint, illegible background.

Leslie B. Hope
SC Building Division Director

Carolinas Associated General Contractors – Comments, S. 384

- DHEC was created to offer much needed checks and balances provided by health professionals. Environmental regulations are promulgated to protect human health and the environment and keeping health and environment working together, under one agency, is vital.
- During the current permitting process there are often consults with the health side on permit limits, the effects of releases into the community, as well as, public relations involving releases and permits. If DHEC is split, the two sides will not be able to effectively consult with each other, thus negatively impacting the amount of time it takes to determine the need for and issue permits.
- Having one agency saves substantial duplication of costs and services, which must be considered at a time when state government has seen substantial budget cuts. A split of the agency will have the two sides competing for budget resources.
- Making the commissioner a cabinet level position is extremely risky. A governor could drive the agency to do only as he asked without the current checks and balances of the Board or the General Assembly.
 - Citizens, businesses, and interested parties all currently have access to the DHEC Board during monthly board meetings and public hearings. There is also an appeals process in place that allows the same groups the opportunity to voice their opinions about permits being considered by the Board/Agency.
 - Changing the commissioner to a cabinet level position could significantly impact the ability for these groups to be heard on issues of importance to their constituents.
- The decisions made at DHEC are very technical in nature and deal with complex health and environmental issues. A commissioner appointed by the Governor could create a constant change in leadership and upper level management positions. The need for consistent enforcement and permitting decisions is critical to the General Contractors in this state.

STATE OF SOUTH CAROLINA
Administrative Law Court

RALPH K. "TRIPP" ANDERSON, III
Chief Judge

JANA E. SHEALY
Clerk



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October 5, 2009

VIA FACSIMILE

The Honorable Daniel B. Verdin, III
Chairman, Restructuring Subcommittee
Medical Affairs Committee
404 Gressette Building
Columbia, South Carolina 29201

Dear Senator Verdin:

Please accept this letter as the South Carolina Administrative Law Court's (ALC) comments on Senate Bill 384. Although the stated intent of the bill is restructuring the Department of Health and Environmental Control (DHEC) (a matter on which the ALC takes no position), S.384 as currently written would seriously impact the ALC's authority and jurisdiction in ways we are informed were unintended by the drafters of the legislation. In brief, Sections 2 and 3 of the bill would amend S.C. Code Ann. § 1-23-600 and -610 and significantly alter administrative practice before the ALC, taking the procedure back to the system that existed before the passage of Act 387 in 2006. These changes would impact not just the ALC, but most of the agencies that appear before the Court.

It is our understanding that there may be a proposed amendment to strike Sections 2 and 3 of the bill which would delete references to the ALC. This action would not affect the stated intent of the bill and we would respectfully request that the subcommittee adopt such an amendment.

Thank you for your time and consideration. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Ralph K. Anderson, III". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ralph K. Anderson, III
Chief Administrative Law Judge

Senate Medical Affairs Committee

Bill No. S. 385

I felt it imperative to voice my opinion on the pending reorganization of DHEC. I must begin by stating that I have found Commissioner Hunter to be an honorable man who has been willing to listen and follow up on concerns. However, I am concerned that DHEC is too large. DHEC is an entity within itself. One agency should not have the far reaching authority that DHEC has. A division director within DHEC can, with the stroke of a pen, close a business, force an individual into bankruptcy and destroy a persons life without the reason being substantiated. *This is power.* The DHEC Board appears to give free reign to division directors if it is a matter affecting an ordinary citizen, but full attention if it is a matter affecting a large corporation or an individual who is politically connected. I am not convinced that even one board member actually review appeals or concerns submitted to them.

Commissioner Hunter may have exceptional qualities but he is charged with overseeing an agency with too many "rogue" directors and staff. These rogue individuals do not support the mission of DHEC. They support their own mission, beliefs and values. I am aware of some by communication with colleagues and one division through personal experience. There are Divisions/Offices that house staff who regulate based on their beliefs and biases rather than statue. The current DHEC Board is unresponsive to matters that affect the average citizen and matters that affect businesses that are licensed by DHEC.

I believe, unequivocally, that reorganization needs to occur at DHEC and in that process divisions/offices dismantled and reorganized based on:

1. staff qualifications,
2. services (there is a duplication of services between some DHEC offices, the Department of Disabilities and Special Needs, the Department of Mental Health and the Ombudsman office),
3. need and
4. history of "biased" enforcement.

There is an "old school" group that exists within the walls of DHEC that hold beliefs that are detrimental to the well being of the state. These individuals have taken full advantage of the agency being too large. They have been able to operate without oversight because of the size of the agency.

Harriette J. Pendarvis
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