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**Healthcare and Regulatory Subcommittee  
January 24, 2017**

### **Archived Video Available**

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

### **Attendance**

- I. The Healthcare & Regulatory Subcommittee meeting was called to order by Chairwoman Phyllis Henderson on Tuesday January 24, 2017 in Room 110 of the Blatt Building. The following members of the Subcommittee were present: Chairwoman Henderson, Representative MaryGail Douglas, Representative Bill Taylor and Representative William "Bill" Bowers.

### **Minutes**

House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.

- I. Representative Taylor moved to approve the minutes from the Subcommittee’s previous meeting on August 25, 2016. A roll call vote was held, and the motion was passed.

Rep. Taylor’s motion to approve the minutes from August 25, 2016:	Yea	Nay	Not Voting
Rep. William “Bill” Bowers			✓
Rep. MaryGail Douglas			✓
Rep. Bill Taylor	✓		
Chairwoman Henderson			✓

### Discussion of the Department of Health and Environmental Control

- I. Chairwoman Henderson administered the oath to Catherine Heigel, Director of the Department of Health and Environmental Control.
- II. Committee staff highlighted that the meeting was the Subcommittee’s first meeting with DHEC.
- III. Director Heigel provided an overview of DHEC to the Subcommittee.

Representative Taylor asked Director Heigel that during her eighteen months as Director, if she could highlight three main successes or improvements the agency has seen. Director Heigel testified that the Department has had quite a few successes which the agency breaks down into three basic components: 1) people, 2) process, and 3) technology. Starting with technology, Director Heigel testified that one of the greatest successes the Department has seen in the last year is receiving funding from the General Assembly and from the Governor. Director Heigel stated that the Department is working diligently with the Department of Administration to move all of their data center operations from their existing facility to the State Data Center. The next success that Director Heigel focused on was public health. Director Heigel testified about the decision to seek public health accreditation for the state, hiring Dr. Lillian Peak to lead our health services, and creating an improvement planning process. Director Heigel testified to responding to two natural disasters within the eighteen months of being Director and how the natural disasters have made the Department stronger. She stated that the natural disasters informed the Department where they are performing well and where there is need for improvement, in terms of public health preparedness and response. Director Heigel stated that the Department has to continue to focus and build for competency in three things: 1) problem solving, 2) customer service, and 3) critical thinking.

Representative Douglas asked Director Heigel about DHEC relinquishing direct service of home help nurses and asked for director Heigel to speak to assurances that are in place that will help local communities to understand that proper care is given to those in a home help setting and whether there is an evaluation in

place to determine whether this decision by DHEC has been beneficial or not. Director Heigel testified that she asked the Department to step back and look at their options of whether they could sell or privatize the business. She stated that the agency could not be a provider of last resort because the agency did not have any state or federal funds. It was no longer financially viable for the agency to operate the business, therefore, the private sector took over. In terms of continuing the agency's role with the business that they used to operate, the agency does not have any such role today. That business was transferred a year ago.

IV. Chairwoman Henderson then proceeded to start the public hearing portion of the meeting. Chairwoman Henderson said that all testimony would have to be given under oath. Each person was sworn in individually.

**Doug Busbee, On behalf of the residents of the Edisto Basin 27:41**

Mr. Busbee represented the residents of the Edisto Basin and testified about the amount of water that could be legally withdrawn from every river and stream in South Carolina, which he referred to as the "Safe Yield." He stated that the "Safe Yield" was in fact not safe and that records show that there was not enough water to supply this "Safe Yield" amount. Mr. Busbee further testified about the surface water law and asked DHEC to review the law.

**Hugo Krispyn, Resident of Seivern, South Carolina 37:42**

Mr. Krispyn is from Seivern and is a property owner on the North Fork of the Edisto. Mr. Krispyn testified about the issues surrounding the existing surface water withdrawal law and implementation of that specific law by DHEC. Mr. Krispyn stated that he is deeply concerned that the laws do not adequately protect the public's interests regarding the surface water. He asks whether the existing set of DHEC regulations regarding surface water withdrawal and the scheme set forth for agricultural registrations for surface water withdrawals adequately fulfill the protective function the law exists to provide. He calls upon the Subcommittee to examine the question of whether the agency should take additional and necessary action to ensure the public interest in having healthy and sustainable rivers is protected.

**Tom Effinger, Director of Environmental Services, SCANA/SCE&G 40:45**

Mr. Effinger testified about how SCE&G's use of natural resources to provide safe, affordable, reliable, and environmentally responsible electricity to South Carolinians receives constant regulatory oversight and permitting activity from

DHEC as a steward of the State's natural resources. Mr. Effinger further testified that DHEC fulfills its role in a collaborative way that values and respects the input of all stakeholders.

**Ray Mansur, Resident of Windsor, South Carolina 47:35**

Mr. Mansur and his wife retired to Windsor from California in 2006. Mr. Mansur testified that he is concerned about whether our water resources are sufficient to meet the new demand of the new farms. Mr. Mansur asks the Legislature to realize that the new farms are withdrawing large quantities of water, therefore, a group of Windsor homeowners believe that a Capacity Use is necessary.

**Babs Warner, Vice President for Legal Services & Corporate Secretary at Santee Cooper 52:31**

Santee Cooper is South Carolina's state-owned public power and utility company that works extensively with DHEC. Ms. Warner testified that DHEC's goal is good customer service as well as full participation. She said that DHEC has engaged in strategic planning and process improvement to better meet expectations. Ms. Warner stated that DHEC performed exceptionally well during Hurricane Matthew, which hit South Carolina in October 2016. Ms. Warner testified that DHEC was fully staffed and responsive to Santee Cooper at all times, in constant communication, and provided Santee Cooper with updates.

**Peter DeLorme, Resident of Windsor, South Carolina 55:55**

Mr. DeLorme is testifying on behalf of the citizens of Windsor, South Carolina. Mr. DeLorme testified about the significant decline in 2016 in the water levels in the Aiken State Park wells. He testified about one farm in the area which used the equivalent of twenty thousand persons worth of water in one year.

**Grace Vance, Resident of Windsor, South Carolina 58:06**

Ms. Vance is a resident of Windsor and testified that there is a major definition loophole of the term "agriculture" that adversely affects the current drinking water pollution regulations. She testified that under the current definition of "agriculture," industrial commercial crop farms, consisting of thousands of acres, can apply any herbicide, any pesticide, or any manure fertilizer without any permit or any prior notice to adjoining properties. Ms. Vance asks what will happen if there is storm water runoff from these fields into the water in Windsor?

**Nilda Burke, Resident of Windsor, South Carolina 1:02:39**

Ms. Burke testified that DHEC's mission is to protect the health and environment for all citizens of South Carolina. She testified that Windsor is being adversely affected by issues such as runoff, groundwater depletion, wells going dry during the summer season, and pollution from the fertilizers being blown by the wind. Ms. Burke asks the Legislature to give DHEC jurisdiction and funding to protect the residents of Windsor from groundwater and surface water withdrawals.

**Nancy Tomlinson, Resident of Williston, South Carolina 1:04:34**

Ms. Tomlinson is a small farmer and lives on the border between Windsor and Williston. Ms. Tomlinson testified that she is concerned with the agri-business farms moving into the area. Ms. Tomlinson presented photographs of the wetlands, erosion, and chicken manure washed into the streams in Williston. She testified that the runoff could have been prevented and that the wetlands in the State need to be protected.

**Lee Pearson, Associate Dean of the Arnold School of Public Health 1:08:38**

Mr. Pearson testified that DHEC provides a unique benefit to our State as well as to the School of Public Health. He said that there is a common synergy between the School of Public Health and DHEC. He testified about the importance of the area of workforce and how the School of Public Health is charged with generating future public health professionals. Mr. Pearson testified about how DHEC and the School of Public Health work together to provide real world experiences for the students. Mr. Pearson further testified that the School of Public Health works collaboratively with DHEC performing research on a range of topics and views this collaboration with the agency as a vital partnership to make each other stronger.

**Joe Palmer, On behalf of South Carolina Firefighter's Association 1:13:27**

Mr. Palmer testified that the Firefighter's Association is enjoying its partnership with DHEC and said that the agency's ability to communicate and work with them is greater than what the Association has experienced in many years. Mr. Palmer testified that DHEC pioneered the development of an emergency medical responder community for the fire department. Mr. Palmer further testified about DHEC's allocation for a budget proviso for \$500,000 to meet the needs of the emergency response community for the treatment of post-traumatic stress disorder issues in EMT as well as in fire services. Mr. Palmer said that DHEC has served as a partner in the development and dissemination of treatment and material for the State in trying to treat and prevent tragic occurrences. Mr. Palmer

concluded that DHEC has shown itself as a partner and that the Firefighter's Association looks forward to continue working with the agency.

**Megan Hicks, Executive Director of the South Carolina Tobacco-Free Collaborative 1:16:58**

Ms. Hicks testified about DHEC as a partner in efforts to address the State's number one cause of preventable death and disease, tobacco use. Ms. Hicks said that thanks to DHEC's support, the Collaborative has seen declines in both adult and youth smoking rates and more residents are protected from the harms of second-hand smoke exposure. Ms. Hicks testified that continued investment in DHEC is vital to the residents of South Carolina's health. She strongly encourages the State to increase investment in DHEC and its prevention efforts so that the community may see greater strides towards a healthier State.

**Joe Jones, American Council of Engineering Companies of South Carolina 1:18:40**

Mr. Jones testified that the American Council of Engineering Companies of South Carolina realize the important role that DHEC plays in protecting the environment of the State through its oversight responsibilities. He said that an increased communication between the Council and DHEC would benefit the State.

**John Durst, President of the South Carolina Restaurant and Lodging Association 1:21:33**

Mr. Durst testified that the Association enjoys their partnership with DHEC and believes that it is the best public-private partnership that he has had the privilege of being a part of. He said that DHEC has worked alongside the Association consistently and testified to the professionalism of the agency, the agency's ability to communicate, and their ability to have a vision and follow through with their goals.

**Gerald Rowe, Resident of Aiken, South Carolina 1:25:18**

Mr. Rowe testified that he lives across from one of the mega farms in the area and said that a majority of these farms are run by people from other states who do not bring any benefit to South Carolina. Mr. Rowe testified that he is worried about the wells becoming more polluted from the pesticides and is also concerned about the mega farms pumping more water than is necessary.

**Carolyn Barrett, Resident of Aiken, South Carolina 1:28:31**

Ms. Barrett represented a group of seventy-two concerned East Aiken County residents. The group is called Save Windsor, SC. Ms. Barrett testified about air, dust, and noise pollution in Aiken. She said that Aiken is suffering from poor air quality from the dust and use of fertilizers. She testified that there is an extreme need for buffer regulation and enforceable regulations for agriculture. She testified that the environmental noise is beyond normal sounds and that the best way to reduce the noise is to reduce the sound close to the source and use barriers and enclosures. She asked for the Legislature to look into having some regulations to help the community of Aiken, who are suffering from air and noise pollution.

**Bruce Berret, Resident of Aiken, South Carolina 1:31:10**

Mr. Berret is a farmer in Aiken County. He testified about his concern of the use of herbicides and pesticides. He testified that he put in a dirt road to comply with DHEC's regulations and his engineering bill was \$16,978.00. He testified that he would appreciate it if the Legislature and the agency would listen to the residents of Aiken.

**Charles Wingard, Resident of Lexington County, South Carolina 1:33:49**

Mr. Wingard is a vegetable farmer in Lexington County. Mr. Wingard testified that he has worked alongside DHEC for many years and believes that DHEC does a good job in serving and protecting the citizens, businesses, and the environment of South Carolina. He testified that he has immense respect for the agency and said that he has an open dialogue with the agency and communicates with DHEC when there is an issue that the two disagree on and work together to reach a conclusion.

V. Representative Taylor moved that the Subcommittee include a statement that there was an opportunity for public testimony and that the testimony it received from the public be included in the report. A roll call vote was held, and the motion was passed.

Rep. Taylor's motion to include the testimony the Subcommittee received from the public:	Yea	Nay	Not Voting
Rep. William "Bill" Bowers	✓		
Rep. MaryGail Douglas	✓		
Rep. Bill Taylor	✓		
Chairwoman Henderson	✓		

VI. There being no further business, the meeting was adjourned.