

Requests from Research Review and Advisory Committee (RRAC)

Meeting of October 30, 2019

The Research Review and Advisory Committee (RRAC) met on October 30, 2019. The RRAC of the Florida Department of Health, is authorized in Florida Statute, section 381.0065(4)(o), to advise the department on direction for new research, review and rank research reports and to make comments. RRAC is composed of 10 voting committee members representing the State Surgeon General, septic tank industry, home building industry, environmental interest group, the State's university system, professional engineers, local governments, real estate industry, restaurant industry and a private consumer. The current chair of the RRAC is Mrs. Roxanne Groover, Executive Director of the Florida Onsite Wastewater Association. By motion and a unanimous vote, RRAC made a specific request to the department. A second request was also made by the RRAC Chair but was not carried in a motion.

1. The committee requested to know what the legal ramifications would be for RRAC to educate legislators about using the committee as an information resource.

BACKGROUND

Requested in an unanimously approved motion.

Mrs. Groover brought up the issue on how to make the research review and advisory committee (RRAC) a resource that legislators can utilize for important information and decision making. Mrs. Groover mentioned that based on her experience, many legislators are drafting bills related to onsite sewage systems are not aware of the RRAC accomplishments. Mrs. Groover mentioned the Department's Florida Water Management Inventory (FLWMI), which was used as part of the supporting data by the National Onsite Wastewater Recycling Association's (NOWRA) application for nationwide funding for the onsite sewage industry. Frequently, Florida legislators are preparing bills to proposed projects that the FLWMI has already accomplished. Not knowing the importance of RRAC in Florida's onsite sewage industry, has also led to legislative bills proposing to eliminate the RRAC. Mrs. Groover indicated RRAC should reach out to educate legislators about the importance and achievement of the committee, and to make RRAC a valuable resource for the legislature. Mrs. Groover understood that, because the committee was nominated by the Department, there may be some limits on what RRAC is permitted to do. A motion was made and approved to request the Onsite Sewage Program staff to speak with the Department's legal counsel for clarification on what RRAC is permitted to do in an effort to reach out and educate legislators. The motion was unanimously approved by RRAC at the October 30, 2019 meeting.

RESPONSE

The Department consulted its legal counsel on this issue. Legal counsel indicated Mrs. Roxanne Groover could mentioned her role in RRAC and would be able to discuss committee and its accomplishments, in her capacity as Executive Director of the Florida Onsite Wastewater Association (FOWA). RRAC information would be available for Mrs. Groover's efforts.

2. Request to have the Department issue a memorandum to permit the use of "sand and fine sand" as part of the fine aggregates required in the INRB (In-ground Nitrogen Reducing Biofilter) denitrification media mixture, before these fine aggregates are formally adopted in the upcoming proposed rule revision.

BACKGROUND

Mrs. Groover reported the installation of more than 30 INRBs is on hold because the installers cannot find the fine aggregate required by rule to mix with the lignocellulose media (the aggregate currently allowed is much finer than a sand or fine sand). Mrs. Groover mentioned there were precedents where the Department issued memos to allow certain requirements/activities before their effective rule adoption date, anticipating the requirements would soon be adopted. Mrs. Groover wants to know, since the sand and fine sand will be permitted in the upcoming proposed rule, for mixing with the lignocellulose media, and the rule is expected to be adopted with without challenge, whether a memo can be issued before the rule adoption to allow the use of sand and fine sand, to avoid further delays in the installation of numerous INRBs. The rule Mrs. Groover is referring to was drafted by the Onsite Sewage Program Section, has been approved by the TRAP and the Variance Committees, is currently undergoing legal review. After legal review, the proposed rule routes to the Surgeon General for final agency approval and can then be advertised for adoption.

RESPONSE

The Department consulted with legal counsel and may consider discussing the possibility of this pathway, but not before the proposed rule has completed routing through the legal rule adoption process.