



Senate Fiscal Agency
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**BILL ANALYSIS**

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House Bill 5798 (Substitute H-3 as passed by the House)
Sponsor: Representative Tonya Schuitmaker
House Committee: Health Policy
Senate Committee: Health Policy

Date Completed: 5-15-06

CONTENT

The bill would amend the Public Health Code to do the following:

- Transfer the responsibility for serving as the State's environmental health agency from the Department of Community Health (DCH) to the Department of Environmental Quality (DEQ).**
- Require that the DCH, in consultation with the DEQ, develop a cleanup of clandestine drug labs guidance document within six months after the bill's effective date.**
- Prescribe procedures that law enforcement agencies, the DCH, and local health departments would have to follow after the discovery of an illegal drug manufacturing site.**

The bill is described below in further detail.

Environmental Health Agency

Under the Code, the DCH must serve as the environmental health agency for Michigan to facilitate a uniform approach to environmental health by the various public and private entities involved in that field. The DCH must do the following:

- Advise the Governor, boards, commissions, and State agencies on matters of the environment as they affect the health of the people of this State.
- Cooperate with and provide environmental health resource support to State and local health planning agencies and other State, district, and local agencies mandated by law or otherwise designated to develop, maintain, or administer State and local health programs and plans, and other public and private entities involved in environmental health activities.
- Develop and maintain the capability to monitor and evaluate conditions that represent potential and actual environmental health hazards, reporting its findings to appropriate State departments and local jurisdictions, and to the public as necessary.
- Provide an environmental health policy for the State and an environmental health services plan to include environmental health activities of local health jurisdictions.
- Serve as the central repository and clearinghouse for the collection, evaluation, and dissemination of data and information on environmental health hazards, programs, and practices.

The bill would refer to the DEQ, rather than the DCH, with regard to these duties.

Drug Lab Cleanup Guidance

Within six months after the bill's effective date, the DCH, in consultation with the DEQ, would have to develop a cleanup of clandestine drug labs guidance document. The document would have to include detailed protocols for the preliminary site assessment, remediation, and postcleanup assessment of indoor environments and structures, as well as cleanup criteria based on human health risk similar to the cleanup criteria derived for cancer risk under Section 20120a of the Natural Resources and Environmental Protection Act (NREPA). The DCH would have to make the guidance document available to the public on its website and, upon a local health department's request, provide the local health department with a physical copy of the document.

(Under Section 20120a of NREPA, the DEQ may establish cleanup criteria and approve of remedial actions in the following categories: residential, commercial, recreational, industrial, other land use-based categories established by the DEQ, limited residential, limited commercial, limited recreational, limited industrial, and other limited categories established by the DEQ. The Department may approve a remedial action plan based on site-specific criteria. The DEQ must develop cleanup criteria based on generic human health risk assessment assumptions determined to characterize appropriately patterns of human exposure associated with certain land uses.)

Discovery of Drug Manufacturing Site

Under the bill, within 48 hours of discovering an illegal drug manufacturing site, a State or local law enforcement agency would have to notify the local health department and the DCH regarding the potential contamination of any property or dwelling that was or had been the site of illegal drug manufacturing. The law enforcement agency would have to post a written warning on the premises stating that potential contamination existed and could constitute a hazard to the health or safety of those who might occupy the premises.

Within 14 days after receiving the notification, or as soon after as practically possible, the DCH, in cooperation with the local health department, would have to review the information received from the law enforcement agency, emergency first responders, or hazardous materials team that was called to the site, and make a determination regarding whether the premises were likely to be contaminated and whether the contamination could constitute a hazard to the health or safety of those who might occupy the premises.

The DCH would have to treat the fact that property or a dwelling had been used as a site for illegal drug manufacturing as prima facie evidence of likely contamination that could constitute a hazard to health or safety.

If the property and/or dwelling were determined likely to be contaminated, the local health department or the DCH would have to issue an order requiring the property or dwelling to be vacated until the property owner established that the property was decontaminated or the risk of likely contamination ceased to exist.

The DCH would have to promulgate rules and procedures necessary to implement these provisions within six months after the bill's effective date.

Under the bill, "dwelling" would mean any house, building, structure, tent, shelter, trailer or vehicle, or portion of any of those items, except railroad cars on tracks or rights-of-way, that is occupied in whole or in part as the home, residence, living, or sleeping place of at least one human being, either permanently or transiently.

FISCAL IMPACT

The Department of Community Health has indicated that it currently does not have staff with the expertise to make determinations on whether property used for the manufacture of illegal drugs is contaminated. The Department has estimated it would need to hire an additional 2 FTEs to meet the requirements of the bill. Assuming an average cost of \$70,000 in salary, wages, and support for each additional FTE, this could increase administrative costs by about \$140,000 GF/GP. The State also would see a small increase in administrative cost associated with the creation and distribution of a guidance document and rules and procedures for the proper cleanup of suspected illegal drug sites.

Local health departments that are not currently providing guidance to law enforcement related to the cleanup of illegal drug sites also could see an indeterminate increase in cost.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.