

MICHIGAN PFAS ACTION RESPONSE TEAM (MPART) ACT

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House Bill 4746 (proposed substitute H-1)

Sponsor: Rep. Beth Griffin

Committee: Natural Resources and Outdoor Recreation

Complete to 1-21-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4746 would create a new act, the Michigan PFAS Action Response Team Act, to codify Executive Directives 2017-4¹ and 2018-5² and Executive Order 2019-3³ by creating the Michigan PFAS Action Response Team (MPART) within the Department of Environment, Great Lakes, and Energy (EGLE).

The bill would authorize, in statute, the directors from the seven agencies who currently make up MPART to research, identify, recommend, and implement PFAS response actions and protocols, as well as perform many other duties relating to PFAS and PFAS remediation. MPART would be charged with coordinating activities among departments and agencies, and state departments and officers would have to provide to MPART any assistance it needs in the performance of its duties. The bill would also authorize MPART to hire or retain contractors, consultants, advisors, or agents as needed, subject to available funding.

The bill would take effect 90 days after its enactment.

The new act would be repealed on December 21, 2030.

BACKGROUND:

MPART was established in November 2017 by Executive Directive 2017-4 and reestablished in February 2019 by Executive Order 2019-3. (Executive directives and orders are both issued by the governor to establish policies and procedures. However, unlike an executive order, an executive directive is not filed with the Secretary of State and is not effectively a law or subject to legislative review.)

According to the MPART website, per- and polyfluoroalkyl substances (PFAS) are a large group of manmade chemicals that are resistant to heat, water, and oil. PFAS have been classified by the U.S. Environmental Protection Agency (EPA) as an emerging contaminant across the nation. For decades, they have been used in many industrial applications and consumer products such as carpeting, waterproof clothing, upholstery, food paper wrappings, personal care products, fire-fighting foams, and metal plating. PFAS

¹ https://www.michigan.gov/documents/snyder/ED_2017-4_605925_7.pdf.

² https://www.michigan.gov/documents/snyder/ED_2018-5_634886_7.pdf.

³ <http://legislature.mi.gov/doc.aspx?2019-EO-03>.

are still used today and have been found at low levels both in the environment and in blood samples of the general U.S. population. Additionally, these chemicals are persistent, which means that they do not break down in the environment. They also bioaccumulate, meaning that the amount builds up over time in the blood and organs.⁴

More information on MPART and PFAS can be found on the State of Michigan website.⁵

FISCAL IMPACT:

House Bill 4746 would not affect current costs for the Department of Environment, Great Lakes, and Energy. The Michigan PFAS Action Response Team (MPART) was established in November 2017 by Executive Directive 2017-4 and reestablished in February 2019 by Executive Order 2019-3; EGLE has employed annual departmental appropriations to bear the costs of MPART activities for the past two years. The bill specifies that MPART may hire specialists to conduct its business “subject to available funding;” the current year EGLE budget does not include MPART-specific appropriations. The FY 2019-2020 EGLE budget is \$611.5 million Gross, including \$168.6 million GF/GP. The bill is unlikely to affect EGLE revenues nor local government costs or revenues.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

⁴ https://www.michigan.gov/pfasresponse/0,9038,7-365-86704_86677---,00.html.

⁵ <https://www.michigan.gov/pfasresponse/>.