



Senate Fiscal Agency
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Senate Bill 402 (as introduced 8-20-19)
Sponsor: Senator Peter MacGregor
Committee: Environmental Quality

Date Completed: 10-14-19

CONTENT

The bill would enact the "Michigan PFAS Action Response Team Act" to do the following:

- Create the Michigan PFAS Action Response Team (MPART), and specify its membership.**
- Require MPART to research, identify, recommend, and implement perfluoroalkyl and polyfluoroalkyl substances (PFAS) response actions relative to the discovery of, communication about, and mitigation of PFAS.**
- Allow MPART, as appropriate to perform its duties, to make inquiries, conduct studies, undertake investigations, hold hearings, consult with Federal agencies, and receive comments from the public.**
- Allow MPART to establish advisory workgroups composed of individuals or entities participating in MPART activities or other members of the public as it considered necessary to assist it in performing its duties.**
- Allow MPART to accept donations of labor, services, or other items of value from any public or private person.**

Membership & Meetings

The bill would create MPART, which would be comprised of the Director of the Department of Environment, Great Lakes, and Energy (EGLE), the Director of the Department of Health and Human Services, the Director of the Department of Military and Veterans Affairs, the Director of the Department of Agriculture and Rural Development, the Director of the Department of Natural Resources, the Director of the Department of Licensing and Regulatory Affairs, and the Director of the Department of Transportation.

A designee of a director could serve as a member of MPART instead of the director. The Director of EGLE or his or her designee would serve as chair.

Department of Environment, Great Lakes, and Energy employees would have to staff MPART. Any budgeting, procurement, or related management functions of MPART would have to be performed under the direction and supervisor of the EGLE Director.

A majority of MPART members serving would constitute a quorum for the transaction of business at an MPART meeting. A majority of members present and serving would be required for official action.

A meeting of MPART would have to be called by the chair or as otherwise provided in procedures adopted by MPART.

Team members would have to serve without compensation but could receive reimbursement for necessary travel and expenses according to relevant statutes and rules and procedures of the Civil Service Commission and the Department of Technology, Management, and Budget, subject to available funding.

Duties & Responsibilities

The Michigan PFAS Action Response Team would have to research, identify, recommend, and implement PFAS response actions relative to the discovery of, communication about, and mitigation of PFAS. To the extent practicable, MPART would have to do all of the following with respect to PFAS:

- Identify affected locations and create and implement an action plan designed to assist State and local authorities in ensuring safe drinking water.
- Initiate environmental response protocols for all positively identified sites to ensure that specialized site plans were developed and appropriate stakeholders were engaged in the response.
- Initiate public health protocols to ensure that all public health and medical stakeholder groups were informed and integrated into the PFAS response to ascertain health implications.
- Perform State and local public outreach to ensure that people in affected areas, including all residents of the community, local governments, corporate and nonprofit partners, and affected stakeholders were informed, educated, and empowered to assist in the PFAS response.
- Conduct long-term mitigation planning and ensure that resource requirements were identified and supported and that site contaminants were removed, as appropriate.
- Establish a standard process for communicating and sharing pertinent information between MPART members.
- Establish routine communication protocols at the local, executive, and legislative levels as appropriate.
- Establish strong information sharing and communications processes with other State and Federal entities involved in PFAS response activities.
- Collaboratively develop standards on health impacts for the affected population.
- Assess the status of any PFAS contaminated site and develop individualized response strategies.
- Explore any avenues for funding for remediation efforts, including Federal grants, legislative appropriations, and private partners.
- Recommend changes in State laws regarding PFAS.
- Recommend structural changes necessary to address other threats to the environment and public health and safety identified while MPART performed its duties.
- Perform other duties as requested by the Director of EGLE or the Governor.

The Team could, as appropriate to perform its duties, make inquiries, conduct studies, undertake investigations, hold hearings, consult with Federal agencies, and receive comments from the public. To perform its duties, MPART also could consult with and retain outside experts, including experts in the private sector, in government agencies, and at institutions of higher education, and could retain outside experts.

The Michigan PFAS Action Response Team could establish advisory workgroups composed of individuals or entities participating in MPART activities or other members of the public as it

considered necessary to assist it in performing its duties; MPART could adopt, reject, or modify a recommendation proposed by an advisory workgroup.

Other Provisions

The MPART could accept donations of labor, services, or other items of value from any public or private person. A donation would have to be spent in compliance with applicable law, rules, and procedures.

Team members would have to coordinate all legal, legislative, and media contacts that directly involved the work of MPART.

Legislative Analyst: Drew Krogulecki

FISCAL IMPACT

The bill could have a negative, though likely minimal, fiscal impact on the State and no fiscal impact on local government. The bill would require the Department of Environment, Great Lakes, and Energy to use existing appropriations to support the basic functions of the Michigan PFAS Action Response Team. Established under Executive Order 2019-3, many of the MPART's duties and responsibilities are being carried out within existing appropriations. If MPART chose to exercise its authority to hire outside contractors, advisors, or consultants, additional appropriations could be requested.

Fiscal Analyst: Abbey Frazier

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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.