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REQUIRE DEQ TO REVIEW RISK STANDARDS

House Bill 4551
Sponsor: Rep. Liz Brater
**Committee: Agriculture and Resource
Management**

Complete to 8-17-00

A SUMMARY OF HOUSE BILL 4551 AS INTRODUCED 4-22-99

The bill would add a new part (Part 221 Risk Standards) to the Natural Resources and Environmental Protections Act (NREPA) to define “risk standard” and “release” and to require the Department of Environmental Quality to review each of its risk standards in order to determine whether they adequately protect people’s health.

Definitions. The bill would define “risk standard” to mean “a standard established by the department under [the bill] to determine potential threats to the public health or the environment posed by releases.” The bill also would define “release” to include, but not be limited to, “any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a hazardous and toxic compound into the environment, or the abandonment or discarding of barrels, containers, and other closed receptacles containing a hazardous or toxic compound.” “Release” would not include a release that resulted in exposure to persons solely within a workplace, with respect to a claim that they could assert against their employers.

Risk standard reviews. The bill would require the Department of Environmental Quality to review each of its risk standards and determine whether the risk standard did both of the following:

- Took into account, and was able to identify, any different risks to developing human fetuses, male children, female children, male adults, and female adults posed by releases, so as to protect each with a margin of safety; and
- Evaluated each of the following specific risks adequately to protect health with a margin of safety: adverse reproductive outcome, respiratory disease, immunologic suppression, cancer, neurological development, endocrinal (hormonal) functioning, general fetal and child development, and any other important health outcome identified by the DEQ.

If the DEQ determined that a risk standard did not satisfy the bill’s requirements listed above, it would be required to establish a new risk standard that did satisfy these requirements and that took effect no later than January 1, 2001. If the department were unable to determine whether a risk standard satisfied the bill’s requirements, it would be required to identify methods to minimize or prevent exposure to the hazardous or toxic compound. If, based on existing research, the department were unable to determine whether a risk standard satisfied the requirements with respect to male or female children or with respect to child development, the department would be required to identify and propose additional research necessary for it to make the determination.

The DEQ would be required to carry out its responsibilities under the bill in coordination with the Task Force on Environmental Health Risks and Safety Risks to children established under federal Executive Order No. 13045, 62 F.R. 19885 (1997).

If enacted, the bill would take effect on January 1, 2000.

Analyst: S. Ekstrom

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