



**House
Legislative
Analysis
Section**

House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

BEACH TESTING NOTICES

**House Bill 4719 (Substitute H-4)
First Analysis (5-2-02)**

**Sponsor: Rep. Patricia Birkholz
Committee: Land Use and Environment**

THE APPARENT PROBLEM:

Environmentalists say that the only way for swimmers to know if the water at beaches they use are free from pollution is if health officials monitor the beaches and notify the public of the results. Under the Public Health Code, a local health officer or an authorized representative of the local health department can test and otherwise evaluate the quality of water at bathing beaches to determine whether the water is safe for bathing purposes. If it is determined that the water is unsafe, the health officer or department representative can petition the appropriate circuit court for an injunction ordering the beach closed to use by bathers. Testing, however, is not mandatory. Reportedly, in some parts of the state testing is routine, in others not. Grants are said to be available from the state for testing programs. With the attention given to water quality at swimming beaches in recent years, due in part to highly publicized beach closings, the public is sometimes surprised to discover that the beaches they use have not been tested for swimming safety. Obviously, this is both a public health issue, because swimming in polluted water makes people sick, and an economic issue, since so much of the state's tourism is related to use of the waters of the Great Lakes and of inland lakes. Legislation has been introduced that would increase public awareness on this issue by requiring additional publication about testing at public bathing beaches.

THE CONTENT OF THE BILL:

The bill would amend the Public Health Code to require the following.

- Before conducting a test or evaluation to see if water at a bathing beach is safe for swimming, the local health officer (or authorized representative of the local health department) would have to notify the city, village, or township in which the beach was located.
- Within 36 hours after conducting a test or evaluation of water at a bathing beach, the health

officer or representative would have to notify the Department of Environmental Quality, the city, village, or township in which the beach was located, and the owner of the bathing beach of the results of the test or evaluation.

- The owner of a bathing beach would have to post at the main entrance to the beach or other visible location a sign stating whether or not the beach has been tested or evaluated and, if the beach has been tested, where the results can be reviewed.

The term "bathing beach" would be defined to mean a beach or bathing area offered to the public for recreational bathing or swimming. The term would not include a open stretch of beach or road end that is not advertised or promoted as a public bathing or swimming beach and would not include a swimming pool.

MCL 333.12541

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the bill should not have a fiscal impact on the state. There would be an indeterminate fiscal impact on local governments. (HFA floor analysis dated 4-30-02)

ARGUMENTS:

For:

The public ought to be informed about the quality of the water of the swimming beaches they frequent. This bill would require a posting at each bathing beach letting people know if the beach has been tested and, if so, where to find the results of the tests. (It is anticipated that water testing results will be available on the web site of the Department of Environmental Quality.) While the substitute bill does not mandate testing of beaches (as an earlier version did), it is a step in the right direction because it focuses the public's attention on the issue of water quality and might encourage increased testing by

House Bill 4719 (5-2-02)

local health departments at the state's 340 Great Lakes beaches and 420 inland swimming beaches. Reportedly, people are often shocked to find out that their favorite swimming beaches are not tested regularly, particularly when they have read of the closing of beaches elsewhere due to the presence of public health hazards. Water quality is an important public health issue and an important economic issue, given the importance of the state's tourism industry. The cost to this bill should be minimal, and there is an accompanying proposal to include assistance in paying for signs in the state budget.

Against:

Some people have doubts about the value of posting signs that do not, in and of themselves, contain information about the water quality at a swimming beach. It is not clear how a sign that says, "the water at this beach has not been tested" is much of an aid to tourism or all that helpful to families showing up for a day at the beach.

POSITIONS:

The Department of Environmental Quality supports the bill. (4-30-02)

The Michigan Environmental Council has indicated support for the bill. (4-30-02)

The Michigan United Conservation Clubs has indicated its support for the bill. (4-30-02)

The Michigan Municipal League supports the substitute. (4-30-02)

The Michigan Townships Association supports the concept of the bill but would prefer that signs not have to be posted when no water testing had been conducted. (4-30-02)

Analyst: C. Couch

■ 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.