



**House
Legislative
Analysis
Section**

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BEACH TESTING NOTICES

**House Bill 4719 as enrolled
Public Act 507 of 2002
Second Analysis (8-2-02)**

**Sponsor: Rep. Patricia Birkholz
House Committee: Land Use and
Environment
Senate Committee: Natural Resources
and Environmental Affairs**

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 available from the state for testing programs (See Fiscal Information). 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 public notice 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. However, open stretches of beach or beaches at road ends that are not advertised or posted as public bathing beaches would not need to have signs posted.

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 public swimming pool.

MCL 333.12541

FISCAL IMPLICATIONS:

The Senate Fiscal Agency reports that the bill would result in an indeterminate increase in administrative costs for local governments and an increase in costs to the state and to local governments related to posting required signs. According to the SFA, the Department of Environmental Quality awarded more than \$250,000 in the 1999-2000 and 2000-2001 fiscal years combined to eleven local health departments, one city, and one local watershed initiative for water quality monitoring. The awards covered monitoring at 266 beaches in 30 counties. (SFA analysis dated

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6-4-02). The DEQ budget for fiscal year 2002-2003 says that \$20,000 can be provided from water quality monitoring funds, on a 50-50 cost sharing basis with local governments, to erect signs at beaches owned by governmental entities informing the public where beach water quality information can be found.

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 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.

Analyst: C. Couch

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