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ARSENIC TESTING SUNSET

**House Bill 5758 as introduced
First Analysis (4-17-02)**

**Sponsor: Rep. Ruth Johnson
Committee: Land Use and Environment**

THE APPARENT PROBLEM:

Public Act 165 of 2001 (House Bill 4626), among its many provisions, requires the Department of Environmental Quality to implement an arsenic testing program under which free testing would be conducted of private drinking wells in geographic areas of the state where the department knows or suspects there are high levels of arsenic. The act also requires the DEQ to establish an arsenic education program for local health departments; to produce maps on a county by county basis denoting areas known to contain arsenic, nitrates, or volatile organic compounds; and submit reports to the legislature. Under the act, the arsenic testing program and the arsenic education program were to be established "beginning on the effective date of the regulation that provides a new federal drinking water standard for arsenic". (The federal standard has recently been lowered from 50 parts per billion to 10 parts per billion.) Public Act 165 set aside up to \$500,000 from waste disposal fees for the arsenic testing program, but the money has yet to be appropriated. (A transfer accomplishing this is expected soon, according to a DEQ official.) The act also sunsetted (repealed) the arsenic provisions as of December 31, 2002. The arsenic programs are expected to be fully underway soon, and legislation has been introduced to extend the sunset so as to grant the department additional time to carry out its duties.

THE CONTENT OF THE BILL:

The provisions in the Natural Resources and Environmental Protection Act (NREPA) requiring the establishment of arsenic testing and arsenic education programs are due to be repealed effective December 31, 2002. House Bill 5758 would extend the sunset to September 30, 2003.

In several places in Section 5419 the provisions refer to "the new federal drinking water standard for arsenic". House Bill 5758 would revise the section to refer instead to "the federal drinking water standard for arsenic of 10 parts per billion".

(According to information from the federal Environmental Protection Agency, the new standard became effective on February 22, 2002, and the date

by which systems must comply with the new standard is January 23, 2006. The new standard for arsenic is 10 parts per billion.)

MCL 324.5419

BACKGROUND INFORMATION:

For an analysis of the legislation that added the arsenic testing and education programs to NREPA, see the House Legislative Analysis Section analysis of House Bill 4626 dated 11-26-01. House Bill 4626 became Public Act 165 of 2001.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

The bill would simply extend the sunset on provisions in law requiring the Department of Environmental Quality to undertake arsenic testing and arsenic education programs. Certain parts of the state are known to have high arsenic levels (notably including 11 eastern counties).

POSITIONS:

The Department of Environmental Quality has indicated support for the bill. (4-16-02)

A representative of Clean Water Action testified in support of the bill. (4-16-02)

The Michigan Environmental Council has indicated support for the bill. (4-16-02)

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.