

## Pollution Cleanup Package

Report more information about polluted sites and require more contaminated materials to be removed or treated rather than left in place	<b>Irwin/Koleszar</b>
Ensure cleanup criteria can be updated to protect public health as researchers learn more about risks.	<b>Moss/Morgan Chang/Arbit</b>
Enable Michigan to hold polluters accountable for cleanup and damages to our environment from contaminants not regulated before 1994, including PFAS.	<b>McCann/Neeley</b>
Make polluters pay for medical monitoring costs for people they put at risk	<b>Shink/McKinney</b>
Enable Michiganders who have only recently found out that they were harmed to sue polluters, aligning with federal statute of limitations “discovery rule.”	<b>McMorrow/Skaggs</b>

### Transparency ● Protection ● Accountability

The Pollution Cleanup Package has been refined through an intensive workgroup process facilitated by EGLE, with active participation from stakeholders in industry, local government, environmental advocacy, and legislators.

It will:

#### **Provide more information to EGLE and the public about sites and cleanups**

Explicitly require reporting of past releases. Many sites have gone unreported if they have not changed hands.

Require reporting on self-managed cleanups of releases.

Better post-cleanup monitoring to detect migration of contaminants in groundwater.

Require owner/operators to file due care plans detailing how they will fulfill their duty to protect the public.

On sites where ongoing action or monitoring is needed post-cleanup, require Remedial Action Closure Reports.

#### **Focus on responsible parties**

Recognize the crucial role of brownfield redevelopment in cleanup, keep focus on polluters’ responsibilities.

\*Does not return to strict liability,\* so successor owners are not liable for pollution they did not cause.

Prescribe new civil infraction penalties for failing to submit required cleanup plans and progress reports.

#### **Protect natural resources**

Require more cleanup of released material, not just limiting human contact through land/water restrictions.

Prioritize effective cleanups by acknowledging appropriate future land use- not all polluted areas can be restored to residential or drinking water standards.

When a release occurs, require response activities to limit the spread even within a property.

Enable the public to recover damages for emerging contaminants that have harmed our land, air, and water.

#### **Protect public health**

Fix the broken update process that has blocked health-protective cleanup criteria for dozens of contaminants.

Allow restrictions for land/water use as needed to protect the public, but not as a way to avoid doing cleanup.

Make polluters cover the costs of medical monitoring to find out how much they have damaged people’s health.

Undo the unjust statute of limitations that says Michiganders are too late to sue polluters when they get sick.

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# Pollution Cleanup Package

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## **Irwin/HB 4640 Koleszar**

- Identify sites that are currently unknown to EGLE and the public by requiring persons who are aware that hazardous substances have been released into the environment to report it.
- Clarify immediate actions to limit damage required when release is discovered.
- Require the submission of a due care plan which shows how the public will be protected.
- Allow the department to take action to protect public health and pursue cost recovery if appropriate.

## **Moss/HB 4636 Morgan**

- Enable EGLE to update health-based exposure values outside the administrative rules process after publicly announcing their intent to review a chemical, searching for the most recent health studies, and going through a public input process.
- HB 4636 will specify the primary sources which compile health studies to determine appropriate cleanup standards, but delete existing overly restrictive statutory directives on evaluating toxicity.
- These values are inputs in calculating cleanup criteria—standards for how clean is clean enough.
- Site-specific criteria could still be implemented as appropriate.
- Better monitor groundwater to detect plume spread and increase protections for drinking water sources.
- Make cleanup or treatment to an appropriate cleanup criterion the preferred option, not leaving contamination in place and simply limiting access to land/water through institutional controls.

## **Chang/HB 4638 Arbit**

- Companion bill to enable HB 4636 in the Administrative Procedures Act.
- The basic formulas and assumptions for setting standards would remain subject to APA rulemaking.

## **McCann/Neeley**

- When the dangers posed by a chemical are unknown or concealed, the statute of limitations often leaves the state unable to sue polluters for cleanup costs or harms to our land and water.
- This bill would start the 6-year limitations clock when on-site remediation begins for a contaminant not regulated by the state or federal government prior to 1994, such as PFAS.

## **Shink/HB 4637 McKinney**

- Under current law, people can't sue polluters until after they can demonstrate their health has already been harmed. But detecting problems may take specialized tests or imaging.
- This bill makes polluters liable for medical monitoring costs when they expose people to hazardous substances.
- This bill will help more people find pollution-linked medical problems early, when they are most treatable.

## **McMorrow/HB 4639 Skaggs**

- By the time someone finds out that they have been exposed to a toxic substance and that it has harmed them or their family, the window to hold the polluter accountable in court is often already closed.
- HB 4639 would start the clock for hazardous substance claims in Michigan when the plaintiff discovered or should have discovered the problem, paralleling the federal limitations clock.