PUBLIC HEALTH CODE (EXCERPT)
Act 368 of 1978

PART 121
GENERAL PROVISIONS

333.12101 "Environmental health" defined; general definitions and principles of construction.

Sec. 12101. (1) As used in this article, "environmental health" means the area of activity which deals with the protection of human health through the management, control, and prevention of environmental factors which may adversely affect the health of individuals. This activity is concerned with the existence of substances, conditions, or facilities in quantities, of characteristics, and under conditions, circumstances, or duration which are or can be injurious to human health.

(2) In addition, article 1 contains general definitions and principles of construction applicable to all articles in this code.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Compiler's note: For transfer of powers and duties of the division of environmental health, with the exception of the food service sanitation program and the shelter environment program, from the director of the department of public health to the director of the department of environmental quality, see E.R.O. No. 1996-1, compiled at MCL 330.3101 of the Michigan Compiled Laws.

Popular name: Act 368

333.12103 Department as environmental health agency; purpose; duties; contamination of property or dwelling that is site of illegal drug manufacturing; requirements; "dwelling" defined.

Sec. 12103. (1) The department of environmental quality shall serve as the environmental health agency for this state to facilitate a uniform approach to environmental health by the various public and private entities involved in that field and shall:

(a) Advise the governor, boards, commissions, and state agencies on matters of the environment as those matters affect the health of the people of this state.

(b) Cooperate with and provide environmental health resource support to state and local health planning agencies and other state, district, and local agencies mandated by law or otherwise designated to develop, maintain, or administer state and local health programs and plans, and other public and private entities involved in environmental health activities.

(c) Develop and maintain the capability to monitor and evaluate conditions which represent potential and actual environmental health hazards, reporting its findings to appropriate state departments and local jurisdictions, and to the public as necessary.

(d) Provide an environmental health policy for the state and an environmental health services plan to include environmental health activities of local health jurisdictions.

(e) Serve as the central repository and clearinghouse for the collection, evaluation, and dissemination of data and information on environmental health hazards, programs, and practices.

(2) Within 6 months after the effective date of the amendatory act that added this subsection, the department of community health, in consultation with the department of environmental quality, shall develop a cleanup of clandestine drug labs guidance document that includes, but is not limited to, detailed protocols for the preliminary site assessment, remediation, and post-cleanup assessment of indoor environments and structures and cleanup criteria based on human health risk that is similar to the cleanup criteria derived under section 20120a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20120a, and shall promulgate rules and procedures necessary to implement subsection (3). The department of community health shall make the guidance document available to the public on its website and, upon request from a local health department, shall provide that local health department with a physical copy of the guidance document.

(3) Within 48 hours of discovering an illegal drug manufacturing site, a state or local law enforcement agency shall notify the local health department and the department of community health regarding the potential contamination of any property or dwelling that is or has been the site of illegal drug manufacturing. The state or local law enforcement agency shall post a written warning on the premises stating that potential contamination exists and may constitute a hazard to the health or safety of those who may occupy the premises. Within 14 days after receipt of the notification under this subsection or as soon thereafter as practically possible, the department of community health, in cooperation with the local health department, shall review the information received from the state or local law enforcement agency, emergency first

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responders, or hazardous materials team that was called to the site and make a determination regarding whether the premises are likely to be contaminated and whether that contamination may constitute a hazard to the health or safety of those who may occupy the premises. The fact that property or a dwelling has been used as a site for illegal drug manufacturing shall be treated by the department of community health as prima facie evidence of likely contamination that may constitute a hazard to the health or safety of those who may occupy those premises. If the property or dwelling, or both, is determined likely to be contaminated under this subsection, the local health department or the department of community health shall issue an order requiring the property or dwelling to be vacated until the property owner establishes that the property is decontaminated or the risk of likely contamination ceases to exist. The property owner may establish that the property is decontaminated by submitting a written assessment of the property before decontamination and a written assessment of the property after decontamination, enumerating the steps taken to render the property decontaminated, and a certification that the property has been decontaminated and that the risk of likely contamination no longer exists to the enforcing agency. The property or dwelling shall remain vacated until the enforcing agency has reviewed and concurred in the certification. As used in this subsection, "dwelling" means any house, building, structure, tent, shelter, trailer or vehicle, or portion thereof, except railroad cars on tracks or rights-of-way, which is occupied in whole or in part as the home, residence, living, or sleeping place of 1 or more human beings, either permanently or transiently.

History: 1978, Act 368, Eff. Sept. 30, 1978;—Am. 1985, Act 17, Imd. Eff. May 16, 1985;—Am. 2006, Act 260, Imd. Eff. July 6, 2006.

Popular name: Act 368

333.12104 Statutes which impact on environmental health; review; recommendations; state programs related to lead-based paint poisoning and rodent control.

Sec. 12104. (1) The department shall continually review all statutes which impact on environmental health and may recommend the updating or incorporation of those statutes into this code. Recommendations for inclusion of environmental health statutes in this code shall take cognizance of the alternative preventive health and engineering approaches to environmental health issues and fully consider the roles of local health departments and local governing and planning entities in the implementation of authorized programs and assure their participation in the consideration of their roles.

(2) Not later than 12 months after the effective date of this section, the director shall make recommendations to the governor and legislature for state programs related to lead-based paint poisoning and rodent control.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.12105 Organizational structure; creation; purpose.

Sec. 12105. The director shall create an organizational structure within the department to carry on the functions required by this part.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.12106 Delegation of license inspection function to local health department; denial or granting of license; explanatory statement.

Sec. 12106. If the state department of public health delegates a license inspection function under this article to a local health department and the local health department recommends denial of the license, based on a local inspection, the license shall be denied unless the state department of public health upon prompt inspection determines that the license shall be granted. The state department of public health shall issue an explanatory statement when granting a license not recommended by a local health department.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

333.12195 Alternative waste disposal systems.

Sec. 12195. This article shall not limit the exploration of alternative waste disposal systems in a manner consistent with state and federal law.

History: 1978, Act 368, Eff. Sept. 30, 1978.

Popular name: Act 368

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