

# Legislative Analysis

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## HAZARDOUS SUBSTANCE CLEANUP CRITERIA

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### House Bill 5872

**Sponsor: Rep. John Moolenaar**

**Committee: Government Operations**

**Complete to 6-19-06**

## A SUMMARY OF HOUSE BILL 5872 AS INTRODUCED 3-15-05

House Bill 5872 would amend Part 201 (Environmental Remediation) of the Natural Resources and Environmental Protection Act to specify that the cleanup criteria for a hazardous substance would be the action level provided by the federal Agency for Toxic Substances and Disease Registry, if one is available.

Part 201 provides that if a hazardous substance poses a cancer risk to humans, the cleanup criteria for the substance shall be the 95 percent upper bound on the calculated risk of one additional cancer above the background cancer risk per 100,000 individuals. From that, a complicated formula using soil criteria, contaminant toxicity, exposure levels, and reasonable assumptions about a person's exposure is developed.

Under the act, as "hazardous substance" generally includes (1) any substance that the department demonstrates, on a case by case basis, poses an unacceptable risk to the public health, safety, or welfare, or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources; (2) a "hazardous substance" as defined in the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980; (3) "hazardous waste" as defined in Part 111 of the NREPA; and (4) petroleum.

MCL 324.20120a

### **FISCAL IMPACT:**

The bill would have no fiscal impact on the state or local governmental units.

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