

Senate Bill 226 (as introduced 3-22-23)

Sponsor: Senator Erika Geiss

Committee: Energy and Environment

Date Completed: 1-31-24

CONTENT

The bill would add Section 5519b to Part 55 (Air Pollution Control) of the Natural Resources and Environmental Protection Act to require the Department of the Environment, Great Lakes, and Energy (EGLE) to prepare and submit to the Legislature an annual report related to the EGLE's asbestos program.

For the previous year, the report would have to include all the following:

- The number of inspectors employed by EGLE.
- The number of inspections conducted.
- The percentage of original notices of intention received for which inspections were conducted.
- The number of enforcement actions taken.

Additionally, the report would have to include an evaluation and recommendation based on the evaluation of whether EGLE had enough inspectors to carry out the requirements found in the National Emissions Standard for Asbestos.¹ The evaluation would have to be based on metrics established by EGLE for the percentage of original notices of intention under the national standard for renovations or demolitions received during a calendar year for which inspections were conducted during that calendar year. The minimum percentage set by EGLE for a determination of sufficiency would have to be at least 15%.

The bill would require EGLE to submit the report by March 1, each year, and to publish it on EGLE's website and in the Michigan Register. The report could be combined with the report EGLE is required to create detailing the air quality fees assessed for the previous year.

The bill would take effect 90 days after its enactment.

Proposed MCL 324.5519b

PREVIOUS LEGISLATION

(This section does not provide a comprehensive account of previous legislative efforts on this subject matter.)

The bill is similar to House Bill 4187 of the current Legislative Session. The bill is also similar to Senate Bill 339 and House Bill 4768 of the 2021-2022 Legislative Session. House Bill 4768 passed the House but received no further action.

¹ The National Standard for Asbestos can be found at 40 CFR Part 61 Subpart M.

BACKGROUND

In 1971, the U.S. Environmental Protection Agency (EPA) identified asbestos as a hazardous pollutant. The inhalation of asbestos fibers may cause cancer, including lung, larynx, and ovarian cancer, as well as mesothelioma, cancer of the linings of certain internal organs. It may also lead to asbestosis, an inflammatory condition of the lungs that can cause permanent lung damage.² In 1973, the EPA promulgated the Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP), 49 CFR Part 61 Subchapter M.

The Asbestos NESHAP regulations require a thorough inspection of a facility where a demolition or renovation operation is planned to occur for asbestos-containing material. If such material is found, the owner or operator of the operation must notify a delegated entity, in Michigan, EGLE's Air Quality Division. Generally, to remove asbestos-related materials, the owner or operator of the operation must remove, adequately wet, and seal the materials in leak-tight containers, before disposing of them in a landfill qualified to receive asbestos waste. To ensure compliance with these regulations, the Asbestos NESHAP requires at least one onsite representative trained in these provisions to oversee the removal of asbestos-containing materials.

Legislative Analyst: Nathan Leaman

FISCAL IMPACT

The bill would have no fiscal impact on the State or EGLE. There would be administrative costs associated with the new reporting requirement, but these are not expected to exceed current appropriation levels.

Fiscal Analyst: Jonah Houtz

² "Asbestos Exposure and Cancer Risk", The National Cancer Institute. Retrieved on 01-30-2024.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.