



Michigan Association of Local Environmental Health Administrators MALEHA

Representing Local Environmental Public Health Departments in Michigan

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To: Representative James Lower and Representative Abdullah Hammoud

From: Kristen Schweighoefer, MALEHA President

Date: December 4, 2018

Re: Revised House Bills 5752 and 5753

The Michigan Association of Local Environmental Health Administrators (MALEHA) has reviewed the revised House Bills 5752 and 5753. We appreciate the changes that have been made to date and while those changes have led to an increase in overall support of these bills as written, the majority of our members do not support the current drafts as written.

Overall, there are several areas of concern.

1. There has been a lack of dialog with the bill sponsors and writers. MALEHA is a recognized group of Environmental Health professionals that represents every local health department (LHD) in Michigan. There is no group in Michigan that has more knowledge of the regulation of onsite sewage disposal systems in Michigan than MALEHA. We were not part of ongoing conversations on these bills. Even when invited to meetings, we were not called upon to provide our expertise on the administration of sewage regulation in the state. We do not feel that our views have been fully represented on this important topic that we will be charged with implementing on a local level throughout Michigan.

2. There is no funding mechanism inherent in these bills. These bills will require a massive change and increase in the amount of work required at the LHD level. Local health departments have varying levels of local support to charge fees to cover the cost of services. We have traditionally requested funding for 50/50 cost sharing as prescribed in the Michigan Public Health Code. Eric Pessell, Health Officer with Calhoun County, provided cost estimates for all 45 local health departments in Michigan to support additional inspections, report reviews, enforcement and permitting. He estimates that it will cost nearly \$13.8 million dollars annually to cover additional work to LPH. While this cost estimate has a number of assumptions, he pulled together the data that was available. It is the understanding of MALEHA that the current offer of state funding is \$3-4 million. That would cover less than 20-30% of the estimated cost to run this program locally. At a meeting with Representative Lower on Friday, November 30, there was discussion that there was an additional \$3 million available for local health departments for this project. That money was already advocated for and allocated to other underfunded local health department programs, including LHD response to dozens and dozens of ongoing vapor intrusion investigations, LHD's massive response to PFAS contaminations in our communities, and the ongoing Hepatitis A


outbreak with unprecedented case counts, to name a few. To be clear, this funding is in recognition of resources already spent, not for new programs and initiatives.

3. The preemption of aspects of locally adopted and administered point of sale programs. After the lack of funding, this area has one of the highest levels of concern among MALEHA members. Currently, there are 9 county health departments that have a point of sale program. Homes are inspected prior to property transfer and repairs are made to ensure improved public health and sanitary sewage disposal. Every one of these programs has been approved at the local level, often engaging stakeholders to ensure the terms are reasonable for the regulated community. This set of bills reduces our ability to gain correction on systems. This is contrary to what I've been told the bills are supposed to do, which is to improve public health and reduce contamination to the waters of the state. Additionally, there is some very serious concern about any legislation that is prescriptive of how to implement programs that were developed and passed locally.
4. The lack of a draft statewide code or rules for the management of onsite sanitary wastewater treatment systems. These bills propose to draft rules for a statewide on site sanitary sewage disposal code, but no specifics on those rules. Local health departments do not know what those specific criteria will be and how it will impact our residents. It is difficult to support a framework without understanding the specifics. A technical advisory committee is tasked to come up with the code, but it is our understanding that any rules must also go through the newly formed and appointed Environmental Rules Review Committee. This committee has yet to meet for the first time and it is unknown how that may impact the outcome of the intent of these bills.

There are positive aspects to these bills, including the possibility to develop a fund that would provide financial assistance to economically distressed homeowners to repair or replace an onsite sewage disposal system. Statewide review of alternative systems would reduce burden on local health departments that are currently providing that function.

However, for the reasons stated above, MALEHA cannot support HB 5752 or HB 5753 as currently written. We hope to work with you in the future to refine drafts that meet our shared goals of protecting public health and the environment.

Respectfully submitted,


Kristen Schweighoefer
MALEHA President