



March 6, 2024

Michigan House of Representatives
*Committee on Natural Resources, Environment,
Tourism and Outdoor Recreation*

Via Email to LRose@house.mi.gov

Re: SB 225 and SB 226

There is an implicit expectation from your constituents that authorities awarding public contracts must ensure the highest level of integrity and quality in spending taxpayer dollars. Projects where upholding these values are most critical are those where, if improperly delegated, the lives of your constituents could be inadvertently cut short. Through our work as a Detroit-based legal service nonprofit, my colleagues and I at the Great Lakes Environmental Law Center have seen firsthand examples of how our current system has allowed irresponsible contractors to cut corners on the public's dime and simultaneously create risks of public exposure, particularly to asbestos.

The health impacts of inhaling asbestos fibers are well documented. Some of the most common and well-known health impacts associated with their inhalation are the development of mesothelioma, a rare type of cancer; asbestosis, a chronic lung disease that involves the scarring of lung tissue and generally causes breathing difficulty; and Ovarian cancer. Over 40,000 American workers are estimated to have died from asbestos-caused diseases in 2019 alone.

While the World Health Organization has advised that countries ban all types of asbestos, and around 70 countries have done so, the United States has not. With that

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decision, opportunities for asbestos exposures and their associated injuries are expected to continue in our country for a long time.

Unless appropriately removed, the asbestos within a building being demolished will become airborne, migrating to nearby homes where families spend their time, be it children playing in the yard, adults gardening, or friends enjoying a summer barbecue. This is particularly problematic in dense locales hit hardest by job loss, where increased residential and industrial vacancies have led to a rapidly ballooning rate of building demolitions.

Riding on the coattails of increased demolitions, asbestos mitigation has become a growing trade in Michigan. Federal regulations require a person engaging in the demolition or renovation of a structure to thoroughly inspect the affected facility for the presence of asbestos, to notify the Department of Environment Great Lakes and Energy if the structure contains over a certain threshold of asbestos-containing material, and to remove asbestos-containing material while controlling dust emissions during removal.

In 2008, contractors filed 3,400 notifications with what was then the Department of Environmental Quality indicating an intent to remove asbestos-containing material. That number doubled to over 7,800 in 2013 and nearly doubled again to shy of 14,600 in 2014. By 2022, the number of initial and revised notifications received by EGLE reached over 69,000.

These bills would help mitigate the risks these activities pose by addressing critical gaps in existing asbestos regulations. Despite this massive explosion of asbestos-implicated demolitions, EGLE's Air Quality Division employs just a handful of inspectors in its asbestos program. That resulted in the agency only being able to inspect two and a half percent of the over 69,000 asbestos removal activities in 2022. Law is only as effective as its rate of compliance, and without sufficient monitoring, noncompliance is often not sufficiently deterred.

This package of bills would address the shortcomings of existing asbestos regulation by creating common-sense requirements regarding contracting and public bids to ensure asbestos contractors comply with existing laws and regulations. It would deter violations by making it harder for contractors with a history of violations to receive

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public contracts. It would also allow local governments and land banks to withhold payment to contractors found to be in noncompliance with asbestos regulations and create an avenue for the legislature to monitor whether EGLE is meeting the demands for inspection.

While these bills directly serve to protect the public and environment from the harms of improperly handled asbestos, they also indirectly promote a far more competitive and transparent playing field for all contractors in the field of asbestos removal. Drawing further scrutiny on public bids from companies with previous violations helps ensure competition between contractors is based on the quality and legality of their services rather than a race to the bottom where contractors are incentivized to cut corners or break rules to underbid competitors.

Asbestos is a particularly harmful and ubiquitous environmental contaminant. Because the harms it causes are impossible to fully redress after the fact, effective asbestos regulations must prevent people from being exposed in the first place. To do so, contractors providing the highest quality of service that respects the implications asbestos poses to the health and well-being of our residents should be rewarded with public contracts. At the same time, the strain on EGLE must be simultaneously relieved to uncover bad actors. These bills would go a long way toward addressing these issues, which is why I am honored to voice the Great Lakes Environmental Law Center's support for their advancement.



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