



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2019-03

Department of Environmental Quality

Michigan PFAS Action Response Team

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Under section 8 of article 5 of the Michigan Constitution of 1963, each principal department of state government is under the supervision of the governor unless otherwise provided.

Under section 8 of article 5 of the Michigan Constitution of 1963, the governor is responsible to take care that the laws are faithfully executed.

Section 51 of article 4 of the Michigan Constitution of 1963 declares the public health and general welfare of the people of the State of Michigan as matters of primary public concern.

Section 52 of article 4 of the Michigan Constitution of 1963 declares the conservation and development of the natural resources of the state as a paramount public concern in the interest of the health, safety, and general welfare of the people of the State of Michigan.

The State of Michigan has recognized the prevalence of perfluoroalkyl and polyfluoroalkyl substances (PFAS), which the U.S. Environmental Protection Agency has classified as contaminants. These chemicals are used in thousands of applications throughout the industrial, food, and textile industries and are an ingredient in some firefighting foams, food packaging, cleaning products, and various other household items. They are incredibly stable, breaking down slowly in the environment, and are highly soluble, easily transferring through soil to groundwater.

In 2017 the Michigan PFAS Action Response Team ("MPART") was created as a temporary body by executive directive to investigate sources and locations of PFAS and protect drinking water and public health. Over the past few years, MPART has identified PFAS in several counties, cities, and towns throughout Michigan. Its work continues today.

This executive order establishes MPART as an established, enduring body to address the threat of PFAS contamination in Michigan, protect public health, and ensure the safety of Michigan's land, air, and water, while facilitating inter-agency coordination, increasing transparency, and requiring clear standards to ensure accountability.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creation of the Michigan PFAS Action Response Team

- (a) The Michigan PFAS Action Response Team ("MPART") is created as an advisory body within the Department of Environmental Quality (the "Department").
- (b) MPART will consist of the following members:
 - (1) The director of the Department, or the director's designee from within the Department.
 - (2) The director of the Department of Health and Human Services, or the director's designee from within that department.
 - (3) The director of the Department of Natural Resources, or the director's designee from within that department.
 - (4) The director of the Department of Agriculture and Rural Development, or the director's designee from within that department.
 - (5) The director of the Department of Transportation, or the director's designee from within that department.
 - (6) The director of the Department of Military and Veteran Affairs, or the director's designee from within that department.
 - (7) The director of the Department of Licensing and Regulatory Affairs, or the director's designee from within that department.
- (c) Members of MPART under sections 1(b) are ex officio members and serve at the pleasure of the governor.
- (d) The director of the Department, or the director's designee from within the Department, will serve as the chairperson of MPART.

2. Charge to MPART

- (a) MPART will provide recommendations to the director of the Department, and the heads of other departments or agencies, and coordinate activities among departments and agencies.

- (b) MPART will research, identify, recommend, and implement PFAS response actions relative to the discovery, communication, and mitigation of PFAS, and will do all the following.
- (1) Identify impacted locations and implement an action plan to assist state and local authorities to ensure the safety of Michigan's land, air, and water.
 - (2) Assess the status of any PFAS contaminated site and develop individualized response strategies.
 - (3) Continue to develop, as needed, environmental response protocols for all positively identified sites, as well as specialized site plans.
 - (4) Continue to develop, as needed, public health protocols to ensure that public health and medical stakeholder groups are informed and integrated.
 - (5) Develop routine communication and information-sharing protocols between all members and stakeholders.
 - (6) Perform outreach to ensure all stakeholders in impacted areas are informed, educated, and empowered. Stakeholder outreach will include, but is not limited to, residents, community members, other partner organizations, tribal governments, local government officials, and other elected officials representing the impacted areas.
 - (7) Perform outreach to ensure the general public is informed about PFAS contamination and the work of MPART.
 - (8) Identify avenues of funding for PFAS identification and remediation efforts.
 - (9) Create measurable goals and objectives along an established timeline.
 - (10) Recommend changes in Michigan law.
 - (11) Recommend structural changes necessary to address other threats to the environment, public health and safety, which MPART identifies while performing its duties.
 - (12) Perform other duties as requested by the director of the Department or the governor.
- (c) MPART will report regularly to the governor on its activities.

3. Operations of MPART

- (a) The Department will assist MPART in the performance of its duties and provide personnel to staff MPART. The budgeting, procurement, and related management functions of MPART will be performed under the direction and supervision of the director of the Department.
- (b) MPART will adopt procedures consistent with Michigan law and this order governing its organization and operations.
- (c) A majority of the members of MPART serving constitutes a quorum for the transaction of the business of MPART, which will act by a majority vote of its serving members.
- (d) MPART will meet at the call of its chairperson and as otherwise provided in procedures adopted by MPART.
- (e) MPART may establish advisory workgroups composed of individuals or entities participating in MPART activities or other members of the public as deemed necessary by MPART to assist MPART in performing its duties and responsibilities. MPART may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (f) MPART may, as appropriate, make inquiries, studies, investigations, hold hearings, and receive comments from the public. MPART may also consult with outside experts in order to perform its duties, including, but not limited to, experts in the private sector, government agencies, and at institutions of higher education.
- (g) MPART may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of MPART and the performance of its duties as the Director deems advisable and necessary, consistent with this order and applicable law, rules and procedures, subject to available funding.
- (h) MPART may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be received and used in accordance with law.
- (i) Members of MPART will coordinate all legislative and media contacts that directly involve the work of MPART.

4. Implementation

- (a) All departments, committees, commissioners, or officers of this state shall give to MPART, or to any member or representative of MPART, any necessary assistance required by MPART, or any member or representative of MPART, in the performance of the duties of MPART so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of

inquiry, study, or review of MPART, consistent with applicable law.

- (b) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded and the rest of the order should remain in effect as issued.
- (c) This order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan.

Date: February 4, 2019


GRETCHEN WHITMER
GOVERNOR

By the Governor

SECRETARY OF STATE