



November and December 2023 Board of Commissioners Activity Reports

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HIGHLIGHTS FOR NOVEMBER 2023

- 1. 2023 - 2024 VBC District Health Dept. Annual Report** - Danielle Persky, Van Buren/Cass District Health Department Health Officer/Administrator, presented the Board of Commissioners with the Van Buren County Health Department Annual Report and focus for 2024.
- 2. Legal Self-Help Centers** – Veronica Stillson, along with Stephanie Daniels, Dan Hutchins, Laura Puckett, and Charlie Campbell, spoke about the Legal Self-Help Centers that will officially launch in the county's 11 libraries on December 1, 2023. Each library has staff that have been trained by Michigan Legal Help to navigate their website.
- 3. 2023 Holiday Lighting** - There was a request on behalf of the Buildings and Grounds Director, John Small, to participate with decorating the County's buildings and grounds with lighting and decorations that have been supplied to us from The Village of Paw Paw downtown development. The Buildings and Grounds Department will arrive on Saturday, November 25th to donate their time installing decorations and lighting on the grounds and buildings of the County. The buildings and grounds department has found this to be a fantastic team building experience, while also getting the opportunity to have their families involved in the process. The Board of Commissioners approved this request during the November 28th, 2023, meeting.
- 4. Dokey Intercounty Drain Note, Full Faith and Credit of Van Buren County** – Pursuant to a petition filed with the Drain Commissioner of the County of Allegan, State of Michigan, proceedings have been taken under the provisions of Act 40, Public Acts of Michigan, 1956, as amended (the "Act"), for the making of certain improvements to the Dokey Intercounty Drain (the "Project"), which is being undertaken by the Dokey Intercounty Drain Drainage District (the "Drainage District"). Pursuant to the Act, the Drainage Board intends to issue the Drainage District's note or notes (the "Note"), in one or more series, in the aggregate principal amount of not to exceed \$97,500, in anticipation of the collection of an equal amount of special assessments against property and public corporations in the counties of Allegan and Van Buren, said special assessments to be duly confirmed as provided by the Act. Fifty percent (50%) of the cost of the Project has been apportioned by the Drainage Board for the Drainage District to the County of Allegan and fifty percent (50%) of the cost of the Project has been apportioned by the Drainage Board to the County of Van Buren (the "County"). The Drainage Board deems it advisable and necessary to request that this Board adopt a resolution pledging the limited tax full faith and credit of the County on the Note to the extent of special assessments are assessed against benefitted properties and public corporations in the County. The Van Buren County Board of Commissioners (the "Board") may, by resolution adopted by a majority vote of two-thirds of the members of the Board, pledge the full faith and credit of the County for the prompt payment of the principal of and interest on the Note pursuant to Section 434 of the Act. The pledge of the full faith and credit of the County to the

Note will reduce the cost of financing the Project and will be a benefit to the people of the County. Pursuant to the authorization provided in Section 276 of the Act, the Board, by a majority vote of two-thirds of its members elect, does hereby irrevocably pledge the full faith and credit of the County for the prompt payment of the principal of and interest on the Note, to the extent of the 50% of the cost of the Project apportioned to the County and specially assessed against property and public corporations in the County and assessments against the State of Michigan, to the extent apportioned to the County, and does agree that in the event that the property owners or public corporations in the Drainage District or the State of Michigan shall fail or neglect to account to the County Treasurer of the County for the amount of any special assessment installment and interest (in anticipation of which the Note are issued), when due, then the amount thereof shall be immediately advanced from County funds, and the County Treasurer is directed to immediately make such advancement to the extent necessary. The ability of the County to levy taxes to pay its share of the principal of and interest on the Note shall be subject to constitutional and statutory limitations on the taxing power of the County. If, pursuant to said pledge of full faith and credit, the County advances County funds to pay any part of the principal of and interest due on the Note, the County shall take all actions and proceedings and pursue all remedies permitted or authorized by law for the reimbursement of such sums so paid. The Chairperson of the Board, the County Controller/Administrator, Deputy Administrator, the County Clerk, the County Treasurer, Finance Director, and any other official of the County, or any one or more of them ("Authorized Officers"), are authorized and directed to take all actions necessary or desirable for the issuance of the Note and to execute any documents or certificates necessary to complete the issuance of the Note, including, but not limited to, any applications including the Michigan Department of Treasury Application for State Treasurer's Approval to Issue Long-Term Securities, any waivers, certificates, receipts, orders, agreements, instruments, and any certificates relating to federal or state securities laws, rules, or regulations, and to sign such documents and give any approvals necessary therefor. This resolution shall become effective only if the Board of Commissioners of the County of Van Buren County adopts a resolution substantially in the form of this resolution that pledges the limited tax full faith and credit of the County of Van Buren to the payment of the principal of and interest on the Note when due to the extent of its apportioned share of the cost of the Project. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded to the extent of the conflict.

- 5. Hazard Mitigation Planning Grant** - There was a request for the Board of Commissioners to modify our match commitment from \$10,350.00 to \$12,400.00 for the Hazard Mitigation Planning Grant. The County needs to update the current multi-jurisdictional Hazard Mitigation Plan that expired in May 2021. On November 9, 2021, the Board approved Southwest Michigan Planning Commission's (SWMPC) application for \$42,350.00 to the Michigan State Police that required a County \$10,350 match. The total grant was \$42,350.00; County \$10,350.00; State \$32,000.00. We have just been informed that the State changed their parameters on allowable expenses. They no longer allow in-direct costs to be paid from the grant, which is an expense that the SWMPC incurs in all their grants. Consequently, to make SWMPC whole, the County will need to increase the match to \$12,400.00. Since local units of government are dependent upon the plan for their own hazard mitigation planning, it is recommended to approve this increase. The grant amount would then be: \$42,350.00 total; \$12,400.00 County; \$29,950.00 State. The Board of Commissioners approved this request to modify the match commitment from \$10,350.00 to \$12,400.00 for the Hazard Mitigation Planning Grant during the November 28th, 2023, meeting.

6. **October 2023 Claims** – Claims in the amount of \$12,980,762.38 for October 2023 were submitted, reviewed, and approved by the Board of Commissioners during the November 28th Board meeting.
7. **Wage Exception Policy** - There was a request for the Board to approve the Wage Exception Policy. Due to the ever-changing job market, County hiring managers are finding it difficult to attract and retain experienced talent with our starting wages. There has been feedback from Commissioners wishing to only see wage requests after a certain threshold. We've recently added language in some union contracts for wage approvals that does not require union involvement to the "C" step, and we are wishing to mimic that for the Board and to eliminate the number of these requests coming to the Board for review. Instead, we have created a detailed policy, directing Department Heads/Elected Officials to Administration for consideration of a salary exception up to the "C" step by providing relevant information about a prospective candidate that would qualify them for a wage exception. Additionally, there is a separate form should a Department Head/Elected Official want to ask for a wage exception above the "C" step. This form, as well as an official Board request, will make its way to a Committee of the Whole agenda for the full Board's consideration. The Board approved the Wage Exception Policy during the November 28th, 2023, meeting.
8. **Updated Personnel Handbook** – There was a request to approve the updated and revised Van Buren County Personnel Handbook. Personnel handbooks should be routinely reviewed and our most recent one was adopted in 2019. Human Resources has worked closely with our legal counsel on ensuring our policies were up to date and compliant with legal regulations and consistent with labor agreements. There are no major changes, mainly language clean up and compliance. The Board approved and adopted the Van Buren County Personnel Handbook during the November 28th, 2023, meeting.

November 2023 Appointment/Reappointment Requests

1. **Re-appointment to the Public Transit Local Advisory Council - Richard Curtis** – There was a request to approve the re-appointment of Richard Curtis to the Public Transit Local Advisory Council for a four-year term set to expire on November 30th, 2027. Richard Curtis wishes to renew his appointment to the Public Transit Local Advisory Council. He represents senior citizen residents. The Board of Commissioners approved the re-appointment of Richard Curtis to the Public Transit Local Advisory Council for a four-year term set to expire on November 30th, 2027, during the November 28th, 2023, meeting.

HIGHLIGHTS FOR DECEMBER 2023

1. **South Haven Buoy Update** – Rich Chapman, Ken Gibbons and Mike DeGrandchamp provided the Board with an update on the South Haven Buoy, as well as the historical background during the December 12th, 2023, meeting.
2. **December 26th, 2023, Meeting** – Discussion to consider canceling the December 26, 2023, Board of Commissioner's meeting as there is no known urgent business to address. The Board approved to cancel the December 26th, 2023, meeting during the December 12th, 2023, meeting.
3. **Proclamation of Dana Getman** - On Sunday, October 15, 2023, Dana Sterling Getman, 77, passed away in his home in the presence of his beloved wife, Teresa Renea Getman, ending a life dedicated to industry, community, and family. At his core, Dana was a businessman, a dedicated leader who spent his professional career working at Getman Corporation, a family business that under his leadership grew from a small, regional manufacturer of construction and mining equipment into one of the most recognizable brands in underground mining worldwide. Dana worked at Getman Corporation for over 45 years, joining the company in 1968 at age 12 and retiring from a full-time role in 2013 at the age of 67. He remained Chairman of the Board of Directors of Getman Corporation at the time of his death. After stepping down from his full-time role as CEO of Getman Corporation, Dana turned his attention more fully to his lifelong passions of community service and philanthropic work. Over the final 10 years of his life, he would be a key contributor to multiple organizations and causes, including holding leadership roles with Youth Development Company, the Covert School Board, and the South Haven Center for the Arts. He was instrumental in the creation of the South Haven Recreational Authority, contributed to the establishment of the Van Buren County Senior Services Center in South Haven, helped lead efforts for the funding and construction of the Michigan Maritime Museum in South Haven, and established the Getman Endowment for Equity in Women's Athletics at his alma mater, Kalamazoo College. The Board of Commissioners show their appreciation and support to Dana Getman for his many years of unwavering dedication to his community by presenting his family with a Proclamation during the December 12th, 2023, meeting.
4. **Office of the Public Defender - Reorganization** - There was a request for the Board of Commissioners to disengage from Allegan County and advise the Michigan Indigent Defense Commission (MIDC) that we will file a separate compliance plan and financial grant proposal for FY 2024 – 2025. The Office of the Public Defender was created by the State approximately five years ago. This was funded by the MIDC subject to each county continuing their basic costs incurred for contracted public defense attorneys. At that point, Van Buren County and Allegan County agreed to submit a joint plan to the MIDC. While this was a novel concept and well-intended, we believe there are significant philosophical and administrative differences, and financial disincentives to continue. The resolution with the least impact would be to begin planning for separate plans now with the goal to implement in October 2024. The plan would be to advise the MIDC at their December 19, 2023, meeting of our intent to file separately. The grant application is due in April 2024 with approval expected in June/July 2024 and implementation October 2024. In preparation, we would immediately begin to set up a "shadow" office and begin to operate separately so there is no interruption in services. Especially important is to ensure that currently assigned attorneys will continue with their caseload. There are sufficient funds in the current MIDC budget to allow us to hire a new Chief Public Defender for Van Buren County who could learn about our system and begin to work with the MIDC on our behalf, which would provide for a seamless transition. The Board

approved to disengage from Allegan County and advise the Michigan Indigent Defense Commission (MIDC) that we will file a separate compliance plan and financial grant proposal for FY 2024 – 2025 during the December 12th, 2023, meeting.

- 5. MDARD Grant Award** - There was a request for the Board of Commissioners to approve the \$50,000 match from the Housing Program Income Fund (\$18,720, Fund # 276.01-694.00-671.000) and Strategic Economic Development Fund (\$31,280 fund # 244.0-728.00-676.000) for the Housing Target Market Analysis & Strategic Housing Plan Grant from the Michigan Department of Agriculture and Rural Development. The match was approved July 25, 2023, subject to the awarding of the grant. We have received notice that the grant was awarded, and we want approval for the funding of the match. As a reminder, the purpose of the Strategic Plan is to empower VBC's 29 rural jurisdictions to effectively address the ongoing, county-wide housing shortage. Rather than just collecting data to affirm there is a housing gap in Van Buren County, the proposed study would look at how best to fill that gap. The TMA will identify the market potential for new and rehabbed housing units, migration patterns, target markets, and other data necessary to understand the gap between housing stock and demand. This will support communities in their efforts to attract new residents and developers as they create the proformas necessary to secure project financing. Barring significant, disruptive economic events, the TMA will be valid for up to 10 years. The Strategic Plan will build upon the TMA by reviewing existing planning, zoning, and housing tools and policies throughout the County to determine if current practices are aligned, consistent, contemporary, and substantiated by the results of the TMA. The Strategic Plan will also include an Action Plan that details key tasks, strategies, project champions, and estimated costs to address housing and developer recruitment, relationship building, and community marketing. The result will be local systems, tools, and policies that better support current, active, and future developer-driven projects within each municipality. By conducting the study on a countywide level, we will be able to capitalize on economies of scale and give every community in the county access to data that would otherwise be inaccessible. There is an opportunity for a portion of this project to be funded by a grant from the Michigan Department of Rural Readiness (MDARD)'s Rural Readiness Grant program, and the project would stand to benefit all 29 municipalities and townships in the County. The \$50,000 County match will come from two funds. \$18,720 will come from the Community Development Block Grant (CDBG) Housing Program Income Fund, and the remaining \$31,280 will come from the Economic Development Strategic Fund. The CDBG Housing Program Income will repay the \$31,280 to the Economic Development Strategic Fund over the next two to three years with the program income received from paid housing rehabilitation loans. The Board of Commissioners approved the \$50,000 match from the Housing Program Income Fund (\$18,720, Fund # 276.01-694.00-671.000) and Strategic Economic Development Fund (\$31,280 fund # 244.0-728.00-676.000) for the Housing Target Market Analysis & Strategic Housing Plan Grant from the Michigan Department of Agriculture and Rural Development during the December 12, 2023, meeting.
- 6. November 2023 Claims** – Claims in the amount of \$9,137,614.42 for October 2023 were submitted, reviewed, and approved by the Board of Commissioners during the December 12th Board meeting.

December 2023 Appointment/Reappointment Requests

- 1. Medical Examiner Appointment – EXPEDITED** – There was a request for the Board to appoint Dr. Patrick Hansma as the Medical Examiner of Van Buren County. Joyce deJong has resigned from WMU Med and Dr. Patrick Hansma needs to be appointed as the new Medical Examiner. We are presently under contract with WMU Med who employ Dr. Hansma and provide the required legal medical examiner services. This contract has been in effect since 2017. Dr. Hansma replaces Dr. Joyce deJong who has resigned from WMU Med to pursue other endeavors. Dr. Hansma, currently a Deputy Medical Examiner, is willing and qualified to serve as Medical Examiner. The Board of Commissioners is required to make an appointment for a Medical Examiner prior to January 1, 2024. The Board of Commissioners approved this appointment during their December 12th, 2023, meeting.
- 2. Deputy Medical Examiner Appointments – EXPEDITED** – Along with the Medical Examiner Appointment, there was a request for the Board to appoint five Deputy Medical Examiners to the Medical Examiners' Office: Jared Brooks, M.D., Amanda Fisher-Hubbard, M.D., Edmund Donoghue, M.D., Anna Tart, M.D., Joyce deJong, D.O. In researching the contract for the Medical Examiner and the request to appoint Dr. Hansma to replace Dr. deJong, it was discovered the appointments of the Deputy Medical Examiners were not processed when requested in 2022. We would like to correct that administrative error. The Board approved of the five appointments during the December 12th, 2023, meeting.
- 3. Land Bank Authority Reappointment – Suzy Glomski** - There was a request for the Board of Commissioners to reappoint Suzy Glomski to the Van Buren County Land Bank Authority for a three-year term set to expire on December 31st, 2026. Suzy Glomski was appointed by the Board of Commissioners to fill a partial term on the Land Bank Board in August 2022 for a member whose professional background is realtor, attorney, builder, title officer, etc. Her term expires December 31, 2023. The Land Bank has greatly benefited from her service, and she is willing to continue her service. The Land Bank Authority is seeking a reappointment for a 3 year-term ending December 31, 2026. The Board approved to reappoint Suzy Glomski to the Van Buren County Land Bank Authority for a three-year term set to expire on December 31, 2026, during the December 12th, 2023, meeting.

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LinkedIn: <https://www.linkedin.com/company/van-buren-county-government>



Twitter: <https://twitter.com/VanBurenCoMI>



Watch us on our [YouTube page](#). 

All board meeting agendas and minutes can be found on the county website:

<https://www.vanburencountymi.gov/129/Agendas-Minutes>



Hours of Operation:

Monday - Thursday 8am - 5pm
Friday 8am - 2pm

Cass County

Immunizations
1st & 3rd Wednesdays

STD testing & treatment
Thursdays

Dental
Monday - Friday

Van Buren County

Immunizations
Thursdays

STD testing & treatment
Wednesdays

Dental
Monday - Friday

Newsworthy
visit vbcassdhd.org/news

COVID-19 Vaccine is now available at both VBCDHD clinics

Vaccine may be available for children and adults for free based on eligibility criteria. Call us to make an appointment and find out your coverage.

Administration

- An amendment to the Environmental Health Code proposing the addition of *9-16 Groundwater Use Restricted Zones* is currently being reviewed by our attorney and will be brought to the Board of Health for adoption in the near future.
- Six (6) team members attended the annual Premier Public Health Conference hosted by the Michigan Association for Public Health

Medical Director/Nursing

- In honor of National Disease Intervention Services (DIS) Recognition day, STI/HIV Program Coordinator, Susan Oosterwal, RN/BSN, was recognized for her years of service as a public health nurse providing DIS in the district since 1999. She was nominated by the MDHHS STI/HIV program and honored through the California Prevention Training Center. [Congratulations, Susan, and thank you for your many years of service to our community!](https://californiapctc.com/dis-recognition-day/)
- Conducted six (6) influenza outreach clinics in the district during the month of October, administering 239 doses of flu vaccine
- Provided 53 TB Skin Tests (TST) in the month of October, many to VB Tech Health Career Students.
- In tandem with health promotions, provided STI/HIV educational presentation to students at Lawton High School

Community Health

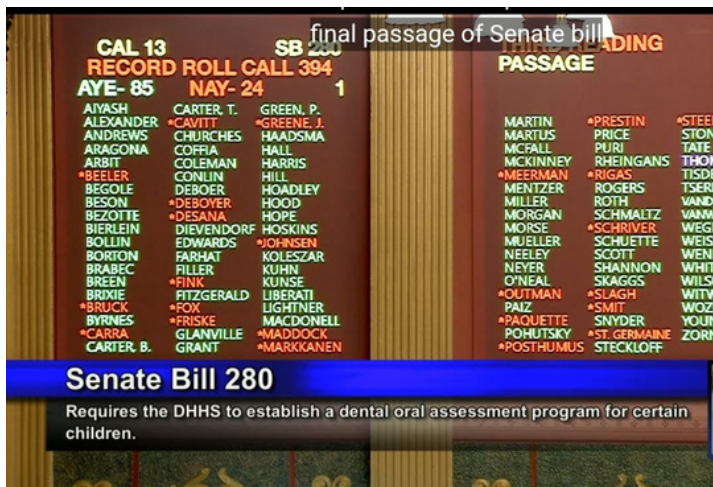
- Attended the Van Buren County Veterans Stand Down in Decatur at the VFW. Provided education and COVID tests in conjunction with our nursing team providing flu vaccine.
- Attended the Van Buren DHHS Trunk or Treat resource fair, providing resources and education to families of foster and adoptive children
- Attended the Southwest Childcare Resources Provider Wellness Fair, distributing information to childcare providers including Children's Special Health Care Services, Lyme disease, lead, mental health and vaccines.

Environmental Health

- In the month of October, the department reports:
 - 51 septic permits
 - 39 septic final inspections
 - 66 well permits
 - 48 final well inspections
 - 66 routine restaurant inspections
 - 15 restaurant follow-up inspections
 - 14 temporary food license inspections

Dental Clinic & Dental Outreach

- Dowagiac Dental Clinic
 - served 471 patients in the month of October
 - booked through July 2024 for treatment
 - booked through November 2024 for regular hygiene (cleanings)
- Lawrence Dental Clinic
 - served 519 patients in the month of October
 - booked through July 2024 for treatment
 - booked through October 2024 for regular hygiene (cleanings)
- Dental Outreach attended 16 events and provided dental screening to 388 children
- The Kindergarten Oral Health Assessment Senate Bill 280 passed on Tuesday, October 24th requiring DHHS to establish a dental oral assessment program.





MICHIGAN LEGAL HELP

**For Immediate Release:
December 1, 2023**

**Contact: Charlie Campbell
(734) 714-3243 ext. 662**

NEW VAN BUREN COUNTY LEGAL SELF-HELP CENTER NETWORK NOW OPEN

(Paw Paw, MI) Residents of Van Buren County can now get legal help from their local library. Every library in Van Buren County has partnered with the Van Buren County courts to form the **Van Buren County Legal Self-Help Center Network**.

The **Van Buren County Legal Self-Help Center Network** is located in 11 local libraries across Van Buren County. The center is a partnership between the Van Buren District Library, the Paw Paw District Library, the Hartford Public Library, the South Haven Public Library, and the Lawton Public Library, Van Buren County Courts, Michigan Legal Help, and other community partners. The network is the largest county wide network in Michigan. Residents will be able to access whichever center is most convenient for them.

Visitors to the center can access high-speed internet, computers, and printers to use the Michigan Legal Help website in English (MichiganLegalHelp.org) or Spanish (AyudaLegaldeMichigan.org). The Michigan Legal Help website contains free, easy-to-understand information on common legal issues. This includes know-your-rights articles, self-led interviews that help visitors fill out court forms, and step-by-step instructions that help walk visitors through how they need to file and serve their forms, and the steps that follow. The website can also help visitors look for a lawyer in their area and connect with local community services if they need more assistance.

Visitors also have access to navigators who are trained to help visitors find the resources they need. While Navigators cannot give legal advice, they can answer questions about court practices and processes, help visitors locate and complete the court-approved forms available on the website, and find referrals to lawyers and community service providers.

The launch of the **Van Buren County Legal Self Help Center Network** marks the biggest expansion in legal self-help services with more than 50 centers across the state now offering free, high quality legal self-help services to the citizens of Michigan.

The Michigan Legal Help Program is funded by the Michigan State Bar Foundation, the Michigan Supreme Court, and through grants from the Legal Services Corporation.



Hours of Operation:

Monday - Thursday 8am - 5pm
Friday 8am - 2pm

Cass County

Immunizations
1st & 3rd Wednesdays

STD testing & treatment
Thursdays

Dental
Monday - Friday

Van Buren County

Immunizations
Thursdays

STD testing & treatment
Wednesdays

Dental
Monday - Friday

Newsworthy

[Children’s Special Healthcare Services is expanding program eligibility to age 26](#)

[Highly Pathogenic Avian Influenza detected in a Cass County Flock on Nov. 15](#)

COVID-19 vaccines are available, now is the time to get yours. Call our office to schedule.

Administration

- Senate Bill 31, enacted October 2, 2023, amended the Public Health Code to require a physician treating a minor to test or order a test for lead poisoning at early ages and require the DHHS to promulgate specified rules related to the testing for lead poisoning. The bill specifies that its provisions do not apply to a minor whose parent, guardian, or person in loco parentis objected to testing. Additionally, the DHHS may adjust the ages of testing or eliminate the requirement to test for lead poisoning after collecting and reviewing data on lead poisoning for five years, at which time it will have to submit a report to the Legislature detailing its rationale.
- House Bill 4200, enacted October 2, 2023 amended the Public Health Code to require a child's immunization certificate to include a space indicating whether the minor has been tested for lead poisoning, beginning January 1, 2024.

Enclosed: Bill Analysis for Senate Bill 31 (as enacted) and House Bill 4200 (as enacted); *Get Ahead of Lead* Statewide Strategy; *Check for Lead in Your Home Plumbing*; and Consumer Tool for identifying drinking water filters to reduce lead

Michigan Drinking Water Hotline (844) 934-1315

Medical Director/Public Health Nursing

- Special Events and Outreach Activities the team participated in
 - Covert Christmas Celebration
 - Marcellus COVID-19 and Flu Clinic
 - STI/HIV Education presented at Hartford High School
 - STI/HIV Testing events at Woodlands Behavioral Health
 - HIV Testing & Immunizations provided at Cass County Jail
 - PH Nurses attended the annual Immunization conference in Grand Rapids
 - Hosted a meeting for providers who use the MI Care Improvement Registry (MCIR) to input immunization records
- Our team has been working to ensure Providers are aware of the increasing syphilis rates and how they can recognize opportunities for prevention congenital syphilis with direct screening

Community Health

- Presented at the Southwest Aging Network (SWAN) meeting, providing information on and invitation to Eat Well Be Well
 - Planning with King Media and Midwest Family Broadcasting to create COVID and Flu vaccine campaigns, as part of the grant initiative supported by NACCHO.
 - Updating and redesigning STI school-based presentations
 - Exploring a partnership to receive and distribute Narcan(Naloxone) to support overdose prevention initiatives
 - Attended Crisis and Emergency Risk Communications Training
 - Employees volunteered with the United Way of Southwest Michigan's Rake-a-Difference event
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Environmental Health

- In the month of November, the department reports:
 - 37 septic permits
 - 32 septic final inspections
 - 49 well permits
 - 39 final well inspections
 - 36 routine restaurant inspections
 - 24 restaurant follow-up inspections
 - 3 temporary food license inspections
-

Dental Clinic & Dental Outreach

- Dowagiac Dental Clinic saw 433 patients in the month of November
- Lawrence Dental Clinic saw 415 patients in the month of November
- Dowagiac & Lawrence Dental Clinics are booked through August 2024 for treatment
- Both Clinics are booked through December 2024 for regular hygiene (cleanings)
- 11 events held this month for children's dental outreach screenings



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 31 (as enacted)
House Bill 4200 (as enacted)
Sponsor: Senator John Cherry (S.B. 31)
Representative Helena Scott (H.B. 4200)
Senate Committee: Health Policy (S.B. 31)
Committee of the Whole (H.B. 4200)
House Committee: Health Policy

PUBLIC ACT 146 of 2023
PUBLIC ACT 145 of 2023

Date Completed: 10-9-23

RATIONALE

Under Federal law, all children who receive Medicaid coverage are required to test for lead poisoning at the ages of one and two years old.¹ According to testimony before the Senate Committee on Health Policy, this covers fewer than 25% of children in the State. Testimony also indicates that Michigan ranked third highest in the nation for elevated blood lead levels in children in 2021. According to the Michigan Department of Health and Human Services (DHHS), 96,462 Michigan children under six years old underwent a blood lead test in 2021, and 3.5% of those children had elevated blood levels at or above 3.5 micrograms per deciliter, the level at which the Centers for Disease Control and Prevention (CDC) recommends action to be taken. Lead poisoning in children can cause damage to the brain and nervous system, slowed growth and development, learning and behavioral problems, and hearing and speech problems.² Implementing testing for lead poisoning on every child in Michigan will allow parents and doctors to minimize the risk of long-term harm to children not currently covered by Medicaid.

CONTENT

Senate Bill 31 amended the Public Health Code to require a physician treating a minor to test or order a test for lead poisoning at early ages and require the DHHS to promulgate specified rules related to the testing for lead poisoning. The bill specifies that its provisions do not apply to a minor whose parent, guardian, or person in loco parentis objected to testing. Additionally, the DHHS may adjust the ages of testing or eliminate the requirement to test for lead poisoning after collecting and reviewing data on lead poisoning for five years, at which time it will have to submit a report to the Legislature detailing its rationale.

House Bill 4200 amended the Public Health Code to require a child's immunization certificate to include a space indicating whether the minor has been tested for lead poisoning, beginning January 1, 2024.

The bills took effect October 3, 2023.

Senate Bill 31

Beginning January 1, 2024, a physician treating a minor will have to test or order a test for the minor for lead poisoning with the rules promulgated by the DHHS as described below. The physician also will have to make an entry of the testing on the minor's certificate of immunization.

¹ Centers for Medicare & Medicaid Services, Lead Screening, 2023.

² Centers for Disease Control and Prevention, Prevent Children's Exposure to Lead, October 2022.

The DHHS must promulgate rules to implement the bill. The rules must require that a minor residing in the State be tested at the following ages:

- Once at one year old.
- Once at two years old.
- Once at four years old, if the minor is in a geographic area of the State identified to pose a high risk for childhood lead poisoning as determined by the DHHS.
- At least once between two and six years old, if the minor has no prior experience with testing.

In addition, the rules must include the following:

- Factors to identify a minor who is at high risk for lead poisoning, including residing in a home where other minors had been diagnosed with lead poisoning and residing in a home built before 1978.
- A requirement that a minor is tested at intervals determined by the DHHS if a physician determines the minor is at high risk for lead poisoning by applying the factors above, through a parent's attestation, or through the physician's own independent medical judgement.
- Procedures for entering the testing information onto the certificate of immunization, including procedures for entering the information if the testing is performed by a person other than a physician.

The DHHS, by rule, may adjust the age requirements above or eliminate testing requirements if, after collecting and reviewing data on lead poisoning in Michigan for five years, it determines that testing minors at the determined ages is no longer necessary or appropriate to maintain the health and safety of minors in Michigan. If the DHHS uses this power, it will have to submit a report to the Legislature detailing its rationale.

House Bill 4200

Under the Code, a health care provider administering an immunization agent to a child must provide a written certificate of immunization containing certain information to the person accompanying the child or make an entry on an existing certificate and report record of the immunization to the DHHS after obtaining consent to report from the parent, guardian, or person in loco parentis of the child.

Under the bill, beginning January 1, 2024, the certificate also will have to include space to indicate whether the minor has been tested for lead poisoning.

MCL 333.9206 et al. (S.B. 31 & H.B. 4200)

BACKGROUND

According to the CDC, adults can help reduce children's lead exposure by frequently washing children's hands and children's toys that may have come into contact with contaminated paint or soil, and by covering up cracks in paint in houses built before 1978 to reduce contact with lead dust. In addition, other common sources of lead exposure include certain water pipes, candies or traditional home remedies, and aviation gas from piston engine aircrafts.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Preventative care for lead poisoning is more financially prudent. Once the neurological damage caused by lead poisoning is done, it is permanent and irreversible.³ According to testimony before the Senate Committee on Health Policy, a mandate for testing for lead poisoning will lead to fewer children with lead poisoning, resulting in more productive lifelong workers and more wages generated in the long-term. In addition, the State will spend less money on services like special education for kids with learning disabilities stemming from lead-based poisoning. The normal cost of a lead poisoning test is less than \$20. Lead poisoning tests are covered under the Affordable Care Act by five different private insurers. Given that often it is affordable for a lead poisoning test, it will not be harmful to people experiencing poverty to require that children be tested.

Supporting Argument

According to testimony before the Senate Committee on Health Policy, 78% of children who were tested in Michigan had lead present in their blood (not necessarily elevated blood lead levels). This demonstrates a need for further testing in Michigan, as more tests may uncover similar rates of children who have lead present in their blood. Identifying these children with the bill's testing program may prevent further damages to their lifelong wellbeing.

Supporting Argument

Requiring testing for lead poisoning in children will better inform public health guidance. For example, the CDC specifies that children living in homes built before 1978, children in low-income households, and immigrants and refugees coming from countries with less strict regulations on lead exposure, among other populations, are at higher risk for lead poisoning.⁴ The CDC bases this guidance upon testing data. Expanding testing data may help identify more childhood risks for lead poisoning.

Legislative Analyst: Alex Krabill

FISCAL IMPACT

Senate Bill 31 will have a minor negative fiscal impact on the DHHS and no fiscal impact on local units of government. The DHHS will incur costs as a result of increased administrative activities from promulgating rules to implement the required testing for lead poisoning and then reviewing the rules after five years. These costs will be borne by existing DHHS resources.

House Bill 4200 will have a one-time minor negative fiscal impact on the DHHS and no fiscal impact on local units of government. The Department will incur minor administrative costs resulting from the requirement under the bill to update certificates of immunization to provide spaces to indicate whether the minor has been tested for lead poisoning. These costs may be borne by existing appropriations.

Fiscal Analyst: Ellyn Ackerman

³ *Id.*

⁴ Centers for Disease Control and Prevention, Populations at Higher Risk, October 2021.

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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.

Check for Lead in Your Home Plumbing

Your home's plumbing and faucets could have lead, which could get into your drinking water.

Plumbing in houses built before 1988 and faucets sold before 2014 are more likely to have lead. Check your plumbing for lead and make an informed decision about how to prevent lead in your drinking water.

Your home may have lead in the plumbing if it has one of the following:



- Lead or galvanized pipes; or
- A lead service line carrying water from the street to their residence; or
- Old faucets and fittings that were sold before 2014.

The Michigan Department of Health and Human Services (MDHHS) recommends that all residents across Michigan use a certified lead-reducing drinking water filter if their home has, or if they are uncertain it has, any of the plumbing mentioned above.

To identify the material your pipes are made of, follow these steps:

1 Step 1: Gather what you need.

- A key or coin and a small magnet.
- Known location of the pipes and plumbing in your home.

2 Step 2: Do a scratch and magnet test.

These steps can only help identify the material of the part of the service line inside your home and your interior plumbing. In some cases, the part of the service line outside your property might be owned by the city and could be made from a different material. To know what material connects your service line to the public water supply, contact your local water supply authority.

Lead



Lead pipes:

Scratch with a key— lead pipes will turn a shiny silver color and are easily scratched. Try the magnet— magnets will not stick to lead pipes.

Copper



Copper pipes:

Scratch with a key— copper pipes will turn a bright copper when scratched, like a new penny. Try the magnet— magnets will not stick to copper pipes.

Galvanized Steel



Galvanized pipes:

Scratch with a key— galvanized pipes are hard and look dull when scratched. Try the magnet— magnets will stick to galvanized pipes.

Plastic



Plastic pipes:

Scratch with a key— plastic pipes will sound dull when hit with the key and will not change color when scratched. Try the magnet— magnets will not stick to plastic pipes.

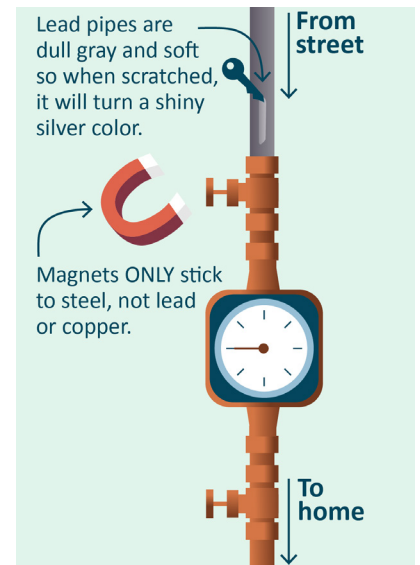
3 Step 3: Check your service line or well.

If your water comes from a community water supply:

- Locate the pipe coming out of your wall from the street to the home. This is typically found in the basement.
- A service line is only used on homes connected to a community water supply.
- Your interior plumbing is connected to the service line and water meter that goes to the rest of the home.
- Determine the material of your service line by contacting your local municipality.

If your water comes from a private residential well:

- Parts of your well—such as the pump, pipe, or valves—may contain lead. **Call a certified well-driller in your area to help identify the plumbing material used to build your well and the connection to the pressure tank in your basement.**
- Locate the pressure tank and pipes moving water in and out of the tank.
- The pipe moving water to the pressure tank is connected to the submersible pump of your well.
- The interior plumbing of your home starts from the pipe moving water out of the pressure tank to your home.



To determine what material your service line is made from, you can do a scratch test and magnet test on that side of your water meter. To test your home's plumbing, you can do the scratch and magnet test on the plumbing on the other side of your water meter.

If you think your home may have lead in the plumbing



MDHHS recommends these actions to reduce lead:

- Use a **NSF/ANSI Standard 53 for lead reduction and NSF/ANSI Standard 42 for particulates certified lead-reducing filter** for drinking water, cooking, rinsing foods, and mixing baby formula.
- Replace lead-containing faucets, fixtures, and plumbing.

To maintain your drinking water



- **Keep your water moving** by doing everyday activities such as:
 - Taking a shower.
 - Running a load of laundry.
 - Flushing the toilet.
 - Washing dishes.
- **Clean the aerators** on your faucets at least once every six months to remove trapped lead and other particles.
- **Run your water** until it is cold before using it for drinking, cooking and making baby formula.

A Consumer Tool for Identifying Point of Use (POU) Drinking Water Filters Certified to Reduce Lead

POINT OF USE FILTERS

Point of use, or POU, drinking water filters are used to remove impurities from water at the point that it is actually being used. Although there are others, the POU filters covered in this document are those used in filtration systems that are attached directly to water faucets, inserted into refrigerators for water dispensers and ice makers, or inserted into water pitchers and bottles.

Faucet Filter Device



Refrigerator Filter



Pitcher with Filter



Bottle with Filter








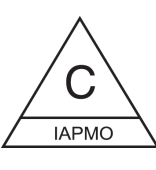





How do I know if a POU filter has been certified to reduce lead?

There are several American National Standards Institute (ANSI) accredited third-party certification bodies that evaluate POU drinking water filters for lead reduction. Each has a registered trademark that is used on certified products.

Certification bodies require their mark and a statement indicating testing against **NSF/ANSI Standard 53 along with a claim of lead reduction.**
We recommend that you also look for filters tested against **NSF/ANSI Standard 42 for particulate reduction (Class I)*.**

The table below provides the certification bodies' approved marks and the text that indicates a filter has been certified for lead reduction capabilities. Some filters can be certified by more than one certification body and have multiple certification marks.

Certification Mark(s)	
   <p>Product Listing Directory: info.nsf.org/Certified/DWTU/</p>	  <p>Product Listing Directory: wqa.org/Find-Products#/</p>
   <p>Product Listing Directory: pld.iapmo.org/</p>	 <p>Note: For UL, text must be located underneath the mark. The File No. is a unique product identification number.</p> <p>Product Listing Directory: database.ul.com/cgi-bin/XYV/template/LISEXT/1FRAME/index.html</p>
  <p>Drinking Water NSF/ANSI 42 Drinking Water NSF/ANSI 53</p> <p>Product Listing Directory: csagroup.org/testing-certification/product-listing/</p>	<p>Text for NSF/ANSI Standards 42 & 53 next to certification marks:</p> <ul style="list-style-type: none"> • Example text on packaging: <i>Tested and Certified by (name of certification body) against NSF/ANSI Standards 42 and 53 for the claims specified on the Performance Data Sheet.</i> • Some companies may indicate lead removal in the text, or might simply state NSF/ANSI 53 or NSF/ANSI 42 above or below the mark.

Is certification required for POU drinking water filters?

There is no mandatory federal requirement for the use of POU drinking water filters or for testing or third-party certification under the Safe Drinking Water Act. However, consumers can increase their level of confidence by purchasing filters that have been tested by an accredited third-party certification body or bodies for lead reduction and particulate reduction (Class I) capabilities against both NSF/ANSI Standards 42 and 53.

*Although particulate reduction (Class I) is for aesthetic effects, it is being suggested since some particulates can contain lead.

Certification Marks, Standards Text, and Claims of Reduction on Filter Packaging

Certification marks are detailed in the Table on Page 1. Examples of certification marks, NSF/ANSI Standards 42 and 53 text, and claims of lead reduction and particulate reduction (Class I) as found on product packaging are shown below.

Certification Mark on Packaging

Claim of Lead Reduction on Packaging

Example Text for Standards 42 & 53 Next to Certification Mark

Claim of Particulate Reduction (Class I) on Packaging

Certifier's Mark

System Tested and Certified by *(name of certification body)* against NSF/ANSI Standards 42 and 53 for the reduction of the claims specified on the Performance Data Sheet.

Sistema Probado Certificado por *(nom de l'organisme de certification)* según las Normas 42 y 53 NSF/ANSI para la reducción de lo afirmado específicamente en la Hoja de Datos Rendimiento.

Where are the certification marks and Standards text located?

The certification marks can be found on the filter or on the smallest container in which the filter is packaged. NSF/ANSI Standards 42 and 53 text will be located under or near a certification mark. If lead reduction and particulate reduction (Class I) are not specifically mentioned in the text, information can be found in a table on the packaging, on the performance data sheet located inside the filter packaging or on the manufacturer's website, or in the certifier's online product listing directory (see links in the table on Page 1).

Performance Data Sheet Inside Filter Packaging or on Websites

Claims of lead reduction and particulate reduction (Class I) not included on the filter packaging can typically be found on the performance data sheet located inside the filter box or other packaging (example below), or on the manufacturer's website.

Claim of Lead Reduction

Claim of Particulate Reduction (Class I)

SUBSTANCE	Overall Percent Reduction	Influent Challenge Concentration	U.S. EPA Level*/NSF Maximum Permissible Product Water Concentration
NSF/ANSI Standard 53 – Health Effects			
Lead pH 6.5	99.5%	150±15 ppb	10 ppb
Lead pH 8.5	99.6%	150±15 ppb	10 ppb
Mercury pH 6.5	95.5%	6±0.6 ppb	2 ppb
Mercury pH 8.5	95.9%	6±0.6 ppb	2 ppb
Cadmium pH 6.5	97.4%	30±3 ppb	5 ppb
Cadmium pH 8.5	99.2%	30±3 ppb	5 ppb
Benzene	93.5%	15±1.5 ppb	5 ppb
Asbestos	> 99%	5500000±45000000 Fibers/L	99%*
NSF/ANSI Standard 401 – Emerging Compounds/Incidental Contaminants			
Bisphenol A†	95.5%	2000±400 ppt	300 ppt
Estrone†	96.4%	140±28 ppt	20 ppt
Ibuprofen†	94.9%	400±80 ppt	60 ppt
Naproxen†	96.4%	140±28 ppt	20 ppt
Nonyl phenol†	93.5%	1400±280 ppt	200 ppt
NSF/ANSI Standard 42 – Aesthetic Effects			
Chlorine	97.4%	2.0±0.2 ppb	50%*
Particulate Reduction Class I	99.6%	>10000 particles/mL	85%*

* NSF Minimum Percent Reduction Requirement.
 † Valid for the following systems: Ultramax Jet Black (OB24), Space Saver (OB21), Amalfi (OB32), Grand Color Series (OB36), Pacifica (OB41), Capri (OB43), Mini Plus (OB44), Marina (OB47), Monterey (OB50), and Wave (OB53).
 These systems have been tested according to NSF/ANSI 401 (for applicable systems), 42 and 53 for reduction of the substances listed. The concentration of each of the indicated substances in water entering the systems was reduced to a concentration less than or equal to the permissible limit for water leaving the systems, as specified in NSF/ANSI 401, 42 and 53.

Additional Information

- EPA's Lead in Drinking Water Website: epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water
- Understanding NSF/ANSI Standard 53: workingpressuremag.com/understanding-nsf-ansi-53/

Questions?

- For questions about a filter: *Contact the product manufacturer or see the product listing directories listed on the first page.*
- For questions about this document: *Send an email to latham.michelle@epa.gov or shah.manthan@epa.gov.*

Get Ahead of Lead

A Statewide Strategy to Protect Those Most at Risk of Lead's Harmful Effects

Michigan Department of Health and Human Services (MDHHS) Recommendations

MDHHS recommends that all Michigan households use a certified lead-reducing drinking water filter if their home has or if they are uncertain if it has one of the following:

- Lead or galvanized plumbing.
- A lead service line carrying water from the street to their home.
- Old faucets and fittings that were sold before 2014.

Use a filter until you are able to remove sources of household lead plumbing, such as:

- Replace pre-2014 faucets.
- Get a lead inspection and replace needed plumbing.



The statewide “Get Ahead of Lead” strategy includes:

- An education campaign around the sources of lead in household plumbing and the filter recommendation, and,
- Filter safety net assistance for households that may need support to implement this recommendation in communities with a high risk of lead exposure.



To learn more about the statewide “Get Ahead of Lead” strategy use the QR code or visit [Michigan.gov/MiLeadSafe/Get-Ahead-of-Lead](https://www.michigan.gov/MiLeadSafe/Get-Ahead-of-Lead).

Check Your Home's Plumbing for Lead



To learn more about checking your home's plumbing, use the QR code or visit <https://www.michigan.gov/mileadsafe/-/media/Project/Websites/mileadsafe/Educational-resources/Home-Plumbing-Lead-Checklist.pdf>.

How to Select a Filter



Look for filters that are tested and certified to NSF/ANSI Standard 53 for lead reduction and NSF/ANSI Standard 42 for class I particulates. Click the QR code or visit https://www.epa.gov/sites/default/files/2018-12/documents/consumer_tool_for_identifying_drinking_water_filters_certified_to_reduce_lead.pdf to go to the Get Ahead of Lead website to learn more.

Communities at Higher Risk of Lead Exposure

Filter-assistance communities have an increased risk of lead exposure based on a data-driven approach to identify communities with higher percents of children with elevated blood lead levels, older housing stock and poverty. If you live in one of the communities below, visit Michigan.gov/MiLeadSafe/Get-Ahead-of-Lead to learn about resources available to you.

Current Filter Safety Net communities:

- Three Rivers.
- Dowagiac.
- Owosso.
- City of Wayne.
- Manistee.
- East Pointe.
- Lapeer.
- Harper Woods.
- Grand Rapids.

Current Faucet and Filter Safety Net communities:

- Albion.
- Benton Harbor.
- Detroit.
- Ecorse.
- Flint.
- Hamtramck.
- Highland Park.
- Inkster.
- Muskegon Heights.
- Pontiac.
- Saginaw.

Households that previously received filters from MDHHS, but no longer qualify based on Safety Net criteria, will continue to receive replacement reminders.

Other low-income households that do not meet the Safety Net program criteria may seek support for faucet replacement or other lead abatement work from:

- Weatherization and state emergency services. For more information, visit NewMiBridges.Michigan.gov.
- Lead Prevention Fund Loan Program. Visit the MISAVES website at MichiganSaves.org/LeadFund or call MISAVES at 517-484-6474 to learn about the loan application process.

Threat of Lead from Drinking Water

The Centers for Disease Control and Prevention states that no safe blood lead level has been identified for young children; all sources of lead exposure for children should be controlled or eliminated. Lead can be found throughout a child's environment including their homes. Homes built before 1978 can contain lead-based paint and dust, which is a well-established cause of exposure to lead. Children can also be exposed to lead in their household drinking water due to corrosion of older water service lines and pipes, faucets, and fittings. This can occur on homes served by a private well or a public water supply.

For More Information

Michigan Department of Health and Human Services

1-844-934-1315

Michigan.gov/MiLeadSafe/Get-Ahead-of-Lead



The Michigan Department of Health and Human Services (MDHHS) does not discriminate against any individual or group on the basis of race, national origin, color, sex, disability, religion, age, height, weight, familial status, partisan considerations, or genetic information. Sex-based discrimination includes, but is not limited to, discrimination based on sexual orientation, gender identity, gender expression, sex characteristics, and pregnancy.