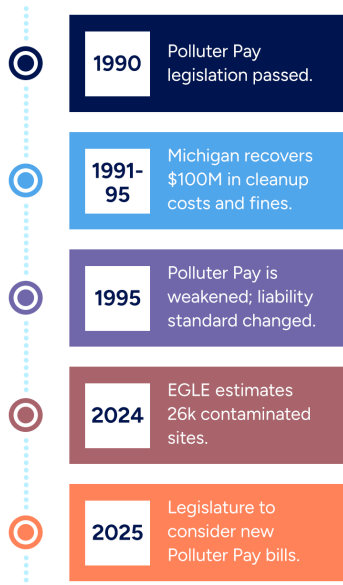


Holding polluters accountable in MI.

FlowWaterAdvocates.org



The problem.

In Michigan, polluters have walked away from **more than 26,000 contaminated sites** — 13,000 of which are “orphaned” without a known responsible party — with groundwater and soil too polluted to use, **leaving taxpayers on the hook** for the \$13 billion¹ that the Michigan Department of Environment, Great Lakes, and Energy (EGLE) estimates is needed to address the crisis.

For those properties without a responsible party, the state’s environmental agency has primarily defaulted to institutional controls, which are administrative and legal measures that restrict land and water use to prevent human exposure to pollutants, in part due to the high costs of restoration and remediation.

As a result of the state’s weak policies governing our undervalued groundwater resources, many contaminated sites directly threaten water that is vital to the health, well-being, and property values of Michiganders. Contaminated groundwater has the potential to migrate and spread continuously, impacting larger areas over time. There are now over 2,000 locations² across the state where **people are legally prohibited from drinking the groundwater**.

\$13B

EGLE estimates it will cost nearly \$13B to address the 26,000 contaminated sites across the state.

How we got here.

In the early-mid 1990s, Michigan state law held polluters accountable for cleaning up contamination for which they were responsible. Michigan was able to **recover \$100 million in cleanup costs**³ and penalties. The weakening and repeal of “Polluter Pay” laws began in 1995, and has cost Michigan taxpayers over \$1.5 billion over the past 25 years.⁴

The rollback has compromised the health and safety of nearly every community in Michigan, and burdened taxpayers. In recent years, there has been renewed interest in Lansing in bringing back the “polluter pay” principle to hold polluters accountable.

1. Michigan Department of Environment, Great Lakes, and Energy (2024). Transforming EGLE’s Contaminated Sites Program. <https://youtu.be/bju9k68FMWQ> 2. Michigan State University Institute for Water Resource & FLOW (2024, September 3). Institutional Controls for Groundwater Management: Long Term Costs and Policy Impacts. 3. Pollack, L. (2023, November 14). Polluter pay legislation will hold corporations accountable. The Detroit News. 4. Michigan Department of Environment, Great Lakes, and Energy (2021). Fiscal Year 2020 State Environmental Cleanup Programs Report.



The solution.

The proposed Polluter Pay legislation restores a **common-sense principle**: those responsible for pollution should bear the costs of cleaning it up. This package ensures that both current and past owners or operators can be held accountable for contamination, and it closes longstanding loopholes that allow the polluters to walk away while Michiganders are left holding the bag and suffering the impacts of unsafe water, soil, and land redevelopment.

45%

Almost half of Michigan residents get their drinking water from groundwater.

Equally important, it will **deter future pollution** by giving the state legal tools to enforce cleanup, strengthen cleanup criteria based on the best scientific data, and lessen our reliance on institutional controls that leave contamination in the ground.

The package also sets **stronger reporting requirements** for pollutant releases and cleanup plans. It provides new provisions for medical monitoring and a fairer statute of limitations. This legislation promotes greater transparency, accountability, and groundwater protection — **prioritizing people over polluters**.

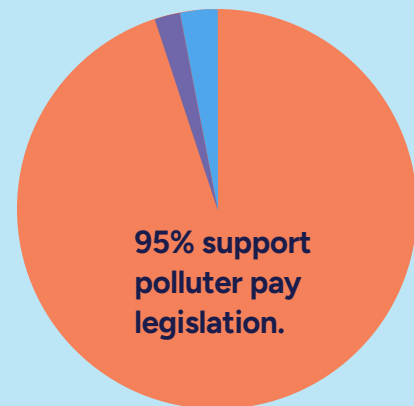
RIGHT: A pie chart depicting the breakdown of a public poll regarding polluter pay legislation, according to a poll by Public Policy Polling completed in an August 2023 survey of 712 Michigan voters.

MI residents support polluter pay legislation.

Michiganders overwhelmingly believe that corporations should be held accountable for the messes they create. An **overwhelming 95% of voters support Polluter Pay laws**, which require companies to clean up the contamination themselves instead of leaving taxpayers with the bill.

With only 2% opposed and 3% unsure, **this is one of the rare issues that unites voters** across the political spectrum.

2% opposed 3% not sure



Q: "Would you support or oppose requiring corporations who cause contamination to pay to clean up their pollution rather than having taxpayers foot the bill?"

Key recommendations for Michigan.

- **Michigan should adopt the proposed Polluter Pay legislation**, and require the cleanup of contaminated groundwater, protect public health, and eliminate "dead zones" that render groundwater useless for communities.
- **Hold past and present owners legally liable**, and place the burden and cost of remediating chemical contamination back on those responsible for releasing pollutants. This revision would parallel existing federal hazardous waste laws.
- **Strengthen cleanup criteria** and standards based on the latest and most comprehensive scientific data.