



Michigan Association of Local Environmental Health Administrators MALEHA

Representing Local Environmental Public Health Departments in Michigan

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October 2, 2020

Department of Licensing and Regulatory Affairs
Bureau of Construction Codes
Administrative Services Division

Re: Subdivisions of Land (ORR# 2020-12 LR) R560.101-R560.135
Proposed Rule Change

Dear Department of License and Regulatory Affairs (LARA),

On behalf of the Michigan Association of Local Environmental Health Administrators (MALEHA), I am writing this letter to convey our concern regarding the current proposed rule changes for Subdivisions of Land.

MALEHA is composed of city, county, district and regional Environmental Health Administrators who promote and strengthen the environmental health delivery system through efficient administrative policies and procedures and the coordination of administrative effort at the local level through close cooperation with other health agencies, associations and individuals having similar objectives.

Local Health Departments are charged with the review of proposed subdivisions in areas not served by municipal water and sewer to determine suitability of water wells and septic systems. There are often restrictions due to soil characteristics for septic systems and quality and quantity of drinking water for wells. These restrictions are necessary to enforce and convey to the developer and future homeowner to preserve and protect public health.

Of most concern in this rule revision is the proposed removal of R 560.103. Removal of this section may result in conditions and restrictions related to wastewater and drinking water not being recorded to the development and not communicated to the future property owner. Removal of R 560.103 may result in a gap where LARA may approve a development without knowledge of local environmental health restrictions. This may have a negative public and environmental health impact on the future homeowners by eliminating our ability to protect them, and their ability to make informed decisions about where to build their home.

We are also concerned that there was not a representative stakeholder workgroup created to review these proposed changes. In our view, a representative from a Local Health Department as well as our state partner



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agency, the Michigan Department of Environment, Great Lakes, and Energy (EGLE) should have been consulted at the onset of this revision. Without participating in the workgroup, there is a lack of understanding why this critical protective step would be removed from the proposed rule set.

Local Health Departments must be part of a conversation about potential unintended consequences of the rule changes. It appears that assurances for recording and transparency to protect public health and the consumer are being diminished.

I would strongly encourage your office to work with MALEHA and leadership at EGLE to ensure public and environmental health protective measures are preserved in the Subdivisions of Land rule revision.

Please feel free to contact me at 586-466-4135 or andrew.cox@macombgov.org if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Cox", with a stylized flourish at the end.

Andrew Cox
MALEHA President

cc: Dana DeBruyn, EGLE
Jeremy Hoeh, EGLE
Nick Derusha, MALPH
Angelique Joynes, MALPH
Karen MacMaster, MALPH