

## Dioxin legislation opposed

[Kathie Marchlewski](#), Midland Daily News

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Tittabawassee River residents and litigants in the class action suit filed against The Dow Chemical Co. over dioxin contamination are opposing local lawmakers' attempts to create legislation raising the state's cleanup level for the toxin. Kathy and Gary Henry of Freeland are planning a drive-in petition signing this weekend, weather permitting. They are lead plaintiffs in the lawsuit seeking the value of property they have been warned by the state to use with caution because of the contamination.

They plan to submit signatures to state Sens. Mike Goschka, R-Brant, and Tony Stamas, R-Midland, and state Rep. John Moolenaar, R-Midland. The trio introduced a package of three bills similar to last year's Homeowner's Fairness Act, which passed with bipartisan support in both the House and Senate last year but eventually was vetoed by Democratic Gov. Jennifer Granholm. She and Michigan Department of Environmental Quality officials said the bill would have slowed contamination cleanups across the state, added expense and hindered economic development.

"This is a very important issue that we cannot allow our corporate legislatures to get away with," Kathy Henry said. "It is not protective of public health."

**In the latest package, in various stages of introduction, Moolenaar proposes that cleanup criteria for cancer-causing substances continue to be derived under the state's existing method, unless the Agency for Toxic Substances and Disease Registry has a different one. In that case, the federally prescribed level would be used instead.**

**For dioxin, that would mean the existing state 90 parts per trillion residential contact criteria, a level expected to be safe, would be abandoned in favor of 1,000 ppt, the ATSDR cleanup action level.**

Stamas' contribution is a proposal that before a privately owned, residential parcel is deemed a "facility" -- that is, an extension of a contaminated site that by state law is required to undergo remediation -- it must be tested to confirm contamination.

Goschka's bill proposes that the DEQ be required to use data from peer-reviewed bioavailability and human exposure studies, if available, in remedial action plans and in the development of areawide or site-specific cleanup criteria. For the Saginaw Valley and dioxin, that would include incorporating results from dioxin-related studies under way by the University of Michigan and by the University of Missouri.

The Henrys are planning to collect signatures in opposition to the bills on Saturday outside their home, 5885 Midland Road, Freeland, from 8 a.m. until 5 p.m. Saturday. "It is possible it could be rained out," Henry said.

If the weather is not terrible, they expect it will be a good weekend to bring the issue to the attention of the public. "We normally get about 2,000 cars an hour drive by, and this, being the Freeland Walleye (Festival) and garage sales weekend, there will probably be more," Henry said.