

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

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REGULATORY IMPACT STATEMENT and COST-BENEFIT ANALYSIS (RIS)

Agency Information:

Department name:

Agriculture and Rural Development

Bureau name:

Pesticide and Plant Pest Management Division

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Rule Set Information:

ARD assigned rule set number:

2020-126 AC

Title of proposed rule set:

Regulation 637 – Pesticide Use

Comparison of Rule(s) to Federal/State/Association Standard

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

These provisions align with federal requirements for pesticides. The proposed change in language is within the flexible discretion of the State as it manages requirements for applications of pesticides. The production, sale, and application of pesticides are all highly regulated activities due to the inherent potential risk to human health and the environment. The United States Environmental Protection Agency (EPA) has federal oversight of pesticide activities and delegates some regulatory authority to the states. The EPA reviews state pesticide programs including legislative and regulatory provisions to ensure adequacy of the state programs and a level of uniformity across the country.

Michigan's statutory provisions in Part 83 of NREPA and in Regulations 633 (Restricted Use Pesticides), 636 (Pesticide Applicators), 637 (Pesticide Use), and 640 (Commercial Pesticide Bulk Storage) make up the coordinated and aligned framework within Michigan. There are no relevant accreditation associations in this area.

A. Are these rules required by state law or federal mandate?

Major portions of the entirety of Regulation 637 are required under MCL 324.8325.

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

There is no federally equivalent standard similar to the proposed rule change. Federal pesticide regulations are purposefully broad as to provide States the flexibility to regulate pesticide use according to their own unique circumstances. The proposed rule changes will benefit the public by reducing the cost and response time associated with emergency pesticide applications related to public health.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The EPA delegates authority to the states to regulate pesticide programs, and as a result, state programs must meet certain standards, including on laws and regulations. EPA Region 5 (MN, WI, MI, IL, IN, & OH) are situated similarly as state pesticide programs and meet on a regular basis. There is not standard language across the region regarding authorities during or provisions related to response to public health emergencies and notification. This is an area where states have some flexibility to tailor programs to meet local needs. At least one state (Indiana) appears to have language similar to the proposed language.

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

These rules do not exceed standards in other states.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

The department has not identified any laws, rules, or other legal requirements that duplicate, overlap, or conflict with the proposed rules. The proposed change is designed to address the legal barrier that hindered the State of Michigan's response to EEE (Eastern Equine Encephalitis) in 2019 and 2020, and that was addressed through promulgation of an emergency rule in 2020.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

The pesticide provisions within NREPA and in MDARD's regulations already form the existing framework to address usage of pesticides in the state, in a manner that is protective of human health and the environment. This framework is well established and understood by the regulated community. Federal law including EPA's rules, other portions of NREPA that govern aquatic application of pesticides, and local provisions such as mosquito abatement programs are built in a manner to avoid duplication of efforts. The multi-agency response to EEE in 2019 and 2020 and the reviews and additional planning as part of those efforts have include reviews of regulatory authority in this area.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, provide a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules.

The proposed changes to Reg. 637 are not more stringent than federally mandated standards as there are no similar federal standards. Federal pesticide regulations are purposefully broad as to provide States the flexibility to regulate pesticide use according to their own unique circumstances. As such, Regulation 637 has no federally equivalent standard. The proposed rule will decrease the regulatory burden on commercial pesticide applicators making emergency public health applications. The proposed changes will also decrease costs and speed up the response time to arbovirus emergencies.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, provide either the Michigan statute that specifically authorizes the more stringent rules OR a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules.

These proposed changes are not more stringent than the applicable federal standards.

Purpose and Objectives of the Rule(s)

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

This amendment will address the provisions changed through the emergency rule process in 2020 to facilitate the coordinated public health response to Eastern Equine Encephalitis (EEE). These changes are specific to disease outbreaks, particularly from arboviruses such as EEE, Zika, or Chikagunya that pose major risks to humans and animals and require a coordinated state-level response.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

Arboviruses like EEE can be cyclical depending on multiple factors such as mosquito populations and weather conditions that favor growth of mosquitoes and other biting insects, along with prevalence of disease in host species of animals. There had not been a need for the level of state agency coordinated response on EEE for several decades until both 2019 and 2020. Other highly destructive diseases spread by mosquitoes and other biting insects, such as Zika, could arrive in any year and require state response.

B. Describe the difference between current behavior/practice and desired behavior/practice.

The current provisions of Reg. 637 do not contemplate a state-level coordinated mosquito treatment or vector abatement program. The provisions for notifications are designed for and aligned with local mosquito abatement programs that can provide for a lengthy process for notification and participation as part of an annual plan to address insect populations. While notification is an important component of mosquito programs, when a disease like EEE is detected in humans and animals, a delay of multiple weeks to conduct a notification process that allows for individualized participation will result in the disease spreading even further.

C. What is the desired outcome?

When an emerging or re-emerging disease like EEE is detected, the State of Michigan must promptly take multiple actions, including public notification, coordination with local health and emergency management departments, engagement with the general public and the private sector on risk reduction and mitigation, as well as considering implementation of pest abatement programs on a regional basis. When these kinds of public health threats occur, the State must be ready to engage and respond quickly.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

Using the extensive processes for notification and participation for community-based pest treatment programs has been effective in those parts of the state where they exist, in part because of their consistency and the regularity of interactions between the treatment programs and the communities that support them. However, with emerging diseases and outbreaks of human and animal illnesses appearing to be on the rise due to increased travel, globalization, and changing weather patterns, that model requiring individualized notifications becomes a barrier to an emergency response by the state. By design, the proposed additional option in case of a needed emergency response requires a shared sense of urgency by two separate department directors and is thereby limited to state-level emergency situations.

A. What is the rationale for changing the rules instead of leaving them as currently written?

Michigan's experience with EEE in 2019 and 2020 provides a contrast in responses, and the vastly more efficient and effective coordinated response during 2020 was the rationale to move forward with this change that was accomplished through a temporary emergency rule. The proposed change addresses the gap that slowed the State of Michigan's response in 2019, and would hinder future responses to public health emergencies.

8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

This proposed change is fundamentally balanced on protecting the health, safety, and welfare of Michigan by addressing a bureaucratic gap that can delay effective response to an emerging or re-emerging disease outbreak. Diseases spread by biting insects have been historically a problem in Michigan, and we expect they will continue to be into the future. Particularly with arbovirus-related outbreaks, there are tools that can help to reduce the mosquito population and thereby protect human and animal life. With EEE, 33% of people who become ill are likely to die, and many of those who survive will have severe permanent health issues.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

The department has thoroughly reviewed this portion of Regulation 637 during and after the EEE outbreaks of 2019 and 2020 and has not found any provisions to be obsolete.

Fiscal Impact on the Agency

Fiscal impact is an increase or decrease in expenditures from the current level of expenditures, i.e. hiring additional staff, higher contract costs, programming costs, changes in reimbursements rates, etc. over and above what is currently expended for that function. It does not include more intangible costs for benefits, such as opportunity costs, the value of time saved or lost, etc., unless those issues result in a measurable impact on expenditures.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

The department estimates that this proposed change would not have any additional cost to the State of Michigan or to the private sector or the public. Actually, not implementing these changes and then attempting to follow the traditional notification and participation provisions over wide geographic areas of the state impacted by a disease outbreak would impose substantial costs to the State, including production and distribution of informational bulletins, staff time to conduct outreach in person and via phone, and database management on a regional or statewide basis.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

There are no anticipated costs associated with the proposed rules, and there has been no appropriation made specifically for this effort. Existing appropriation to the department for pesticide oversight and regulation supports involvement in coordinated multi-agency response related to issues like EEE.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

This proposed change does not place burdens on individuals, either fiscally or administratively. It creates a process to ensure rapid response at the state level to an identified public health threat related to vector-borne diseases, like EEE and Zika.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

These proposed revisions do not place new burdens on individuals. The proposed change is necessary to help facilitate rapid and coordinated state-level response to these kinds of human and animal health threats.

Impact on Other State or Local Governmental Units

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

These proposed changes should have no impact on revenues for state and local governmental units. The 2019 experience with EEE helped to justify the need for the emergency rule in 2020. In 2019, local health departments used considerable resources in terms of staffing and overtime to reach out to individual property owners about the planned response. Those labor and administrative costs varied by local health department, but were significant in their own right and took away health workers from other public health duties. Those costs would not exist with this proposed change and additionally, there would not be delays in beginning the State's response as that work would not be necessary.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

The proposed changes do not change any duties or responsibilities of local jurisdictions. The local jurisdictions with community mosquito abatement programs will see no changes to their established process or procedures. This change only addresses the possibility of a needed state-level emergency response to a disease outbreak such as EEE.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

The proposed changes to the rule do not impact any compliance requirements for community mosquito abatement programs. The existing provisions of the rule related to those kinds of programs have been effective in providing routine notice of annual mitigation programs, and that would continue.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

There are not expected to be additional expenditures needed at the local level as these proposed changes address the possibility of a need for a coordinated state-level emergency response. To the extent that such a response has been necessary in 2019 and 2020, state funds allocated to MDHHS covered the costs of the mosquito abatement program. There is a level of uncertainty with these kinds of disease outbreaks and a state-level coordinated response may not be necessary every year. If needed, the size and scope will depend on sampling and detection data.

Rural Impact

16. In general, what impact will the rules have on rural areas?

The proposed rules will allow the state to respond more quickly and effectively to outbreaks of mosquito-borne diseases and other types of vector based emergencies across the State. In 2019 and 2020 EEE outbreaks, most of the impacted areas were rural portions of the State. Beyond humans, horses are very susceptible to EEE and to some level serve as a sentinel species that alerts the community and the public health world that the disease is circulating. Being able to address a disease like EEE more quickly will help rural communities prevent further spread to humans and animals. Arboviruses are spread by particular types of mosquitoes, and those types vary in terms of habitat, so the vector's habitat plays a significant role in transmission of disease. Depending on the outbreak, rural areas may be more impacted.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

Owners of equines are especially impacted by EEE. Though there is a vaccine and it is effective and highly recommended, many horse owners do not get their animals vaccinated, leaving them susceptible to EEE. This disease is usually fatal in horses. After EEE has been detected in an area, a coordinated mosquito abatement program can help prevent additional cases in horses as well as preventing spread to humans.

Environmental Impact

17. Do the proposed rules have any impact on the environment? If yes, please explain.

The proposed rule change provides for a coordinated state-level response to vector-borne diseases like EEE. In the 2019 and 2020 EEE outbreaks, both EGLE and MDNR were important partners. Application of pesticides to or over water requires a permit from EGLE, which requires significant review of the nature and the amount of product being used. The evaluation considers the environment and short, medium, and long-term impacts. MDNR also conducts a review to evaluate potential impacts to state lands as well as game and non-game animals, plants, and overall habitat. A state-level response includes both of these agencies conducting the environmental reviews required within their statutory frameworks.

Small Business Impact Statement

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

This proposed rule change addresses how state agencies will cooperate and coordinate a state-level response to a vector-borne disease outbreak. The proposal does not directly involve businesses of any size and therefore there is no relevant exemption.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

The proposed changes do not have a direct effect on businesses of any size and therefore there is no disproportionate impact on small businesses.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

To the extent that any businesses are impacted secondarily, equine-related businesses such as riding stables or boarding facilities would potentially benefit by a coordinated state-level response to address diseases like EEE quickly, by addressing the mosquitoes that carry the disease sooner, reducing potential impacts to horse health and limiting equine illnesses and death.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

There are no compliance or reporting requirements for small businesses as part of this proposal. Record keeping is an essential part of pesticide application businesses and this makes no changes in that area.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

This proposal makes no changes that would require new steps or practices or new skills in small businesses. To the extent that applicator companies hired by the State of Michigan as part of a coordinated emergency response to a vector-borne disease outbreak are businesses of varying sizes, this proposal addresses a concern raised during 2019 and 2020 EEE outbreaks. The private sector companies expressed concerns about their ability to facilitate notification and participation programs as part of an abatement program. The proposed change recognizes the need to act quickly and does not put any new burdens on the businesses that would serve as contractors conducting the abatement treatments.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The proposed rule language is essentially a new performance-based standard that addresses a gap identified during disease outbreaks the last two years. The current provisions on notification and participation that have been in place for routine annual abatement programs are unchanged; this proposal recognizes that with emerging and re-emerging diseases, a new process is necessary for timely response.

20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

There are no disproportionate impacts on small businesses, and no difference based on geographic location.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

There are no new reporting provisions within the proposed changes. All pesticide applicators have record keeping and reporting responsibilities; these are not impacted by this proposal. To the extent that there were questions about the applicators taking on the responsibilities of notification and participation during the 2019 and 2020 emergency responses, this addresses that burden not being placed on the private sector.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

There are no compliance costs for businesses of any size associated within the proposed changes. All pesticide applicators have record keeping and reporting responsibilities; these are not impacted by this proposal. To the extent that there were questions about the applicators taking on the responsibilities of notification and participation during the 2019 and 2020 emergency responses, this addresses that burden not being placed on the private sector.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

There are no new legal, consulting, or accounting services required within the proposed changes. All pesticide applicators have record keeping and reporting responsibilities; these are not impacted by this proposal. To the extent that there were questions about the applicators taking on the responsibilities of notification and participation during the 2019 and 2020 emergency responses, this addresses those burdens not being placed on the private sector.

24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

The proposed changes do not put any new costs on businesses of any size.

25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

Since there are no new costs to businesses of any size associated with these proposed changes, there is no relevant exemption or lesser standard.

26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

Since there are no new costs to businesses of any size associated with these proposed changes, there is no relevant exemption or lesser standard, and therefore no public interest in creating alternative standards.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

These proposed changes came about after evaluations of the multi-agency responses to EEE in 2019 and 2020. Since the proposed changes impact how state agencies work together in vector-borne disease outbreaks, it was not necessary to engage small businesses in this process. To the extent that the private sector plays a role in these kinds of emergency responses, the business that conducted the mosquito abatement activities in 2019 and 2020 was part of discussions on how to improve the process.

A. If small businesses were involved in the development of the rules, please identify the business(es).

As part of the review of the response to EEE in both 2019 and 2020, Clarke conducted the applications. Clarke was also involved in the evaluations and assessments of how each treatment season went.

Cost-Benefit Analysis of Rules (independent of statutory impact)

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

The proposed rule changes do not place compliance costs on businesses or groups. To the extent that there is a need for an emergency response to a vector-borne disease at the state level, costs would be part of the state's response.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

There are no proposed costs to businesses or groups. To the extent that there are benefits to a state-level program that targets mosquitoes or other disease vectors, the tourism industry in general benefits from it being safer for the public to be outdoors.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

No additional costs are imposed on businesses or other groups as a result of these proposed rules. To the extent that there are costs incurred for a state level emergency response to a vector-borne disease, those are expected to be state level costs.

29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

No additional costs are imposed on individuals as part of these proposed changes.

A. How many and what category of individuals will be affected by the rules?

This proposed change creates a new mechanism for state agencies to cooperate and coordinate during a vector-borne disease emergency response. During the 2019 and 2020 responses to EEE, several categories of individuals had questions and expressed concerns, including organic farmers, beekeepers, and people concerned about pesticides. Depending on the nature of the disease vector, its location(s), and habitat, other categories of individuals could be impacted by treatment efforts. The proposed changes contemplate discussion on the facets of response in order to address and minimize impacts, as well as recognizing the need for public communication as part of this kind of emergency response.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

There is not a quantifiable impact because future state level responses may vary considerably from the EEE responses in 2019 and 2020, based on the disease, the vector, and the vector's biological nature and habitat. It is also highly dependent on what tools are available and effective against the disease spreading vector. Public communications about the state-coordinated response are crucial will be adapted to address possible impacts and the public's concerns, including what mitigation steps could be taken to prevent spread of the disease as well as addressing concerns about treatments.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

There are no costs associated with these proposed changes to businesses, individuals, or governmental units.

Additionally, a state level coordinated response is likely to be cheaper in terms of overall response costs than a variety of local jurisdictions each contracting separately.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The primary benefit and the basis for these proposed changes is the collective experience of state agency coordinated response to the EEE outbreaks in 2019 and 2020. The existing language in the rule covers the longstanding community based and supported mosquito abatement programs. At the time the rules were developed, a state-level response was not contemplated, especially as part of an emergency response to a new or emerging disease. In 2019, the state noted significant delays in response due to trying to comply with notification and participation provisions. As part of discussions on how to improve the response and thereby reduce the risk to humans and animals, the provision was temporarily changed through the emergency rule process. As part of the review and evaluation of the state's 2020 response, there was a recognition that there needs to be a permanent change that facilitates a coordinated state agency response. The over-arching benefits to rapid response include preventing infections that cause illness and death and slowing the spread by ideally breaking the cycle of disease transmission.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The proposed changes focus on creating a new framework for multi-agency coordinated response to vector-borne diseases. Addressing significant vector-borne disease outbreaks are a core public health function that help to ensure a health economy. In particular, tourism and outdoor recreation are impacted by warnings related to avoiding.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

The purpose of these changes is to facilitate rapid and effective coordinated state response to vector-borne diseases. The categories of individuals mentioned above expressed concerns and had questions about the response to EEE; other categories of individuals and businesses could have concerns and questions based on the nature of the disease, vector, habitat, and the nature and effectiveness of the proposed treatment. The proposed language addresses state agency coordination and requires the department to actively evaluate and address concerns of individuals and businesses.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

After both the 2019 and 2020 EEE outbreak responses, the core state agencies conducted evaluations and discussed what went well and what portions could be improved. These discussions included multiple programs within MDARD, as well as EGLE, MDNR, MDHHS, MSP, local health departments, and the contractor that did the mosquito treatments. As this change is based upon the process for the state departments coordinating with each other to take action, it does not place any new burdens on businesses or local governments.

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., that demonstrate a need for the proposed rules.

This change is based upon the process for the state departments coordinating with each other to take action. After-action reports by the core state agencies were developed after the 2019 EEE outbreak, which led to a number of areas of improvement, including risk communication, agency coordination, and review noting the barrier that the existing rule creates.

Alternative to Regulation

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

This proposed change addresses a gap that has been in the rule because a coordinated state agency response was not contemplated when the rule was developed. The rule's provisions have been in place and work well for local, community-based mosquito abatement programs that operate on an annual basis, but were a barrier to state-level response.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

No statutory amendments are needed.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

As this provision is based on the need to facilitate coordinated multi-agency response to a vector-borne disease outbreak emergency, there isn't an equivalent private sector mechanism to make these kinds of response decisions. The process in 2019 and 2020 for EEE relied upon the private sector to conduct the actual mosquito abatement treatments. With the highly specialized equipment and trained personnel needed to conduct aerial mosquito abatement treatments, the private sector will continue to be a necessary component; it is not feasible that the State of Michigan itself could perform this work.

37. Discuss all significant alternatives the agency considered during rule development and why they were not incorporated into the rules. This section should include ideas considered both during internal discussions and discussions with stakeholders, affected parties, or advisory groups.

These proposed changes represent the consensus of both internal discussions within MDARD as well as with the other coordinating state agencies involved in the 2019 and 2020 EEE responses. Alternatives included making no change, which while considered, is not ideal due to the delays and costs associated with trying to establish a notification and participation process over areas that span multiple counties during an emergency.

Additional Information

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

There are no expected instructions related to complying with this proposed change. The state agency response plans and the State of Michigan's Arbovirus Response Plan will need updates as a result of this rule change.