

REFERENCE TITLE: monitoring program; fish contaminants

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2628

Introduced by
Representatives Schwiebert: Cano, Fernandez B, Hernandez M, Liguori

AN ACT

AMENDING TITLE 49, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 49-210.01; RELATING TO WATER QUALITY CONTROL.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 49, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 49-210.01, to read:

4 49-210.01. Fish contaminant monitoring program; health
5 assessments; report; notice; definition

6 A. THE DEPARTMENT SHALL DEVELOP A COMPREHENSIVE WATER QUALITY
7 MONITORING AND ASSESSMENT PROGRAM FOR EVALUATING POLLUTANTS THAT COULD
8 POSE A RISK TO ECOSYSTEMS AND HUMAN HEALTH, INCLUDING POLYCHLORINATED
9 BIPHENYLS, PESTICIDES, METALS AND OTHER CONTAMINANTS OF CONCERN IN SPORT
10 FISH AS PART OF THE FISH CONTAMINANT MONITORING PROGRAM. THE PROGRAM
11 SHALL IDENTIFY AND MONITOR POLLUTANTS IN SPORT FISH AND ASSESS THE HEALTH
12 RISKS OF CONSUMING SPORT FISH CAUGHT BY MEMBERS OF THE PUBLIC.

13 B. AS APPROPRIATE, THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL
14 CONSULT WITH THE ARIZONA GAME AND FISH DEPARTMENT, THE UNITED STATES
15 ENVIRONMENTAL PROTECTION AGENCY AND LOCAL OR REGIONAL POLITICAL
16 SUBDIVISIONS OR PRIVATE ENTITIES WITH JURISDICTION OVER WATER BODIES TO
17 DETERMINE ACCEPTABLE CONTAMINANT THRESHOLDS, PROTOCOLS FOR SELECTING
18 SAMPLING LOCATIONS, SAMPLING FREQUENCY AND NUMBER AND TYPE OF SPECIES TO
19 BE MONITORED UNDER THE PROGRAM. THE PROGRAM DEVELOPED BY THE DEPARTMENT
20 OF ENVIRONMENTAL QUALITY SHALL INCLUDE ALL OF THE FOLLOWING:

21 1. SAMPLING AND ANALYZING FISH FROM ALL WATERS IN THIS STATE THAT
22 SUPPORT RECREATIONAL FISHERIES FOR EVALUATING POLLUTANTS THAT COULD POSE A
23 RISK TO ECOSYSTEMS AND HUMAN HEALTH, INCLUDING POLYCHLORINATED BIPHENYLS,
24 PESTICIDES AND METALS WITHOUT REGARD TO THE WATER BODY'S DESIGNATION UNDER
25 THE CLEAN WATER ACT, WITH A SPECIAL EMPHASIS ON MONITORING WATER AND FISH
26 IN URBAN AREAS.

27 2. CONDUCTING THE SAMPLING AND MONITORING OF FISH AS PRESCRIBED BY
28 PARAGRAPH 1 OF THIS SUBSECTION AT EACH SITE AT LEAST ONCE EVERY THREE
29 YEARS.

30 3. CONDUCTING ANNUAL SCREENINGS TO IDENTIFY NEW AQUATIC AREAS WHERE
31 FISH HAVE THE POTENTIAL FOR ACCUMULATING CONTAMINANTS THAT CAN POSE
32 SIGNIFICANT RISKS TO ECOSYSTEMS AND HUMAN HEALTH. SCREENING SITES THAT
33 SHOW CONTAMINANT LEVELS OF POTENTIAL CONCERN SHALL BE REASSESSED AT LEAST
34 ONCE EVERY THREE YEARS.

35 C. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CONTRACT WITH THE
36 DEPARTMENT OF HEALTH SERVICES TO PREPARE COMPREHENSIVE HEALTH RISK
37 ASSESSMENTS FOR SPORT FISH MONITORED IN THE PROGRAM AS FOLLOWS:

38 1. THE ASSESSMENTS SHALL BE BASED ON THE DATA COLLECTED BY THE
39 PROGRAM AND INFORMATION ON FISH CONSUMPTION AND FOOD PREPARATION.

40 2. EVERY THREE YEARS THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL
41 SUBMIT A HEALTH RISK ASSESSMENT REPORT FOR THIS STATE'S FISHERIES TO THE
42 ARIZONA WATER PROTECTION FUND COMMISSION ESTABLISHED BY SECTION 45-2103
43 AND THE ARIZONA GAME AND FISH COMMISSION.

1 D. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL ISSUE HEALTH
2 ADVISORIES WHEN THE DEPARTMENT OF ENVIRONMENTAL QUALITY, IN COOPERATION
3 WITH THE DEPARTMENT OF HEALTH SERVICES, DETERMINES THAT CONSUMING FISH
4 FROM A MONITORING SITE PRESENTS A SIGNIFICANT HEALTH RISK. THE ADVISORIES
5 SHALL CONTAIN INFORMATION FOR THE PUBLIC AND PARTICULARLY THE POPULATION
6 AT RISK CONCERNING HEALTH RISKS FROM CONSUMING THE FISH. THE DEPARTMENT
7 OF ENVIRONMENTAL QUALITY SHALL NOTIFY THE APPROPRIATE LOCAL HEALTH
8 DEPARTMENTS OR DISTRICTS, THE DEPARTMENT OF HEALTH SERVICES AND THE
9 ARIZONA GAME AND FISH DEPARTMENT BEFORE ISSUING A HEALTH ADVISORY. THE
10 NOTIFICATION SHALL PROVIDE SUFFICIENT INFORMATION FOR THE PURPOSE OF
11 POSTING SIGNAGE.

12 E. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CONSPICUOUSLY POST
13 HEALTH ADVISORY SIGNS IN AREAS WHERE CONTAMINATED FISH MAY BE CAUGHT,
14 INCLUDING PIERS AND PARKS AND ON BOAT RAMPS AND SHORE AREAS WHERE FISHING
15 OCCURS. THE ARIZONA GAME AND FISH DEPARTMENT SHALL PUBLISH THE DEPARTMENT
16 OF ENVIRONMENTAL QUALITY'S HEALTH WARNINGS IN ITS SPORT FISHING
17 REGULATIONS BOOKLET AND SHALL CONSPICUOUSLY POST HEALTH WARNINGS ONLINE.
18 ALL SIGNAGE AND HEALTH ADVISORIES SHALL BE PROVIDED IN BOTH ENGLISH AND
19 SPANISH.

20 F. FOR THE PURPOSES OF THIS SECTION, "SPORT FISH" MEANS GAME FISH
21 OR AQUATIC WILDLIFE AS DEFINED IN SECTION 17-101 THAT MAY BE TAKEN FOR
22 HUMAN CONSUMPTION.