

REFERENCE TITLE: **monitoring program; fish contaminants**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1356

Introduced by
Senators Mendez: Gabaldón, Miranda, Terán; Representative Salman

AN ACT

**AMENDING TITLE 49, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 49-210.01; APPROPRIATING MONIES; 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 TO EVALUATE PESTICIDES, METALS AND OTHER
8 CONTAMINANTS OF CONCERN IN SPORT FISH AS PART OF THE FISH CONTAMINANT
9 MONITORING PROGRAM. THE PROGRAM SHALL IDENTIFY AND MONITOR CHEMICAL
10 CONTAMINATION IN SPORT FISH AND ASSESS THE HEALTH RISKS OF CONSUMING SPORT
11 FISH CAUGHT BY MEMBERS OF THE PUBLIC.

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

20 1. SAMPLING AND ANALYZING FISH FOR PESTICIDES AND METALS FROM ALL
21 WATERS IN THIS STATE THAT SUPPORT RECREATIONAL FISHERIES WITHOUT REGARD TO
22 THE WATER BODY'S DESIGNATION UNDER THE CLEAN WATER ACT, WITH A SPECIAL
23 EMPHASIS ON MONITORING WATER AND FISH IN URBAN AREAS.

24 2. CONDUCTING THE SAMPLING AND MONITORING OF FISH AS PRESCRIBED BY
25 PARAGRAPH 1 OF THIS SUBSECTION AT EACH SITE AT LEAST ONCE EVERY THREE
26 YEARS AS PART OF THE ENVIRONMENTAL PROTECTION AGENCY TRIENNIAL WATER
27 QUALITY REVIEWS.

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

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

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

38 2. AFTER EACH TRIENNIAL WATER QUALITY REVIEW, THE DEPARTMENT OF
39 ENVIRONMENTAL QUALITY SHALL SUBMIT A HEALTH RISK ASSESSMENT REPORT FOR
40 THIS STATE'S FISHERIES TO THE ARIZONA WATER PROTECTION FUND COMMISSION
41 ESTABLISHED BY SECTION 45-2103 AND THE ARIZONA GAME AND FISH COMMISSION.

42 D. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL ISSUE HEALTH
43 ADVISORIES WHEN THE DEPARTMENT OF ENVIRONMENTAL QUALITY, IN COOPERATION
44 WITH THE DEPARTMENT OF HEALTH SERVICES, DETERMINES THAT CONSUMING FISH
45 FROM A MONITORING SITE PRESENTS A SIGNIFICANT HEALTH RISK. THE ADVISORIES

1 SHALL CONTAIN INFORMATION FOR THE PUBLIC AND PARTICULARLY THE POPULATION
2 AT RISK CONCERNING HEALTH RISKS FROM CONSUMING THE FISH. THE DEPARTMENT
3 OF ENVIRONMENTAL QUALITY SHALL NOTIFY THE APPROPRIATE LOCAL HEALTH
4 DEPARTMENTS OR DISTRICTS, THE DEPARTMENT OF HEALTH SERVICES AND THE
5 ARIZONA GAME AND FISH DEPARTMENT BEFORE ISSUING A HEALTH ADVISORY. THE
6 NOTIFICATION SHALL PROVIDE SUFFICIENT INFORMATION FOR THE PURPOSE OF
7 POSTING SIGNAGE.

8 E. THE DEPARTMENT OF ENVIRONMENTAL QUALITY SHALL CONSPICUOUSLY POST
9 HEALTH ADVISORY SIGNS IN AREAS WHERE CONTAMINATED FISH MAY BE CAUGHT,
10 INCLUDING PIERS AND PARKS AND ON COMMERCIAL PASSENGER FISHING VESSELS AND
11 SHORE AREAS WHERE FISHING OCCURS. THE ARIZONA GAME AND FISH DEPARTMENT
12 SHALL PUBLISH THE DEPARTMENT OF ENVIRONMENTAL QUALITY'S HEALTH WARNINGS IN
13 ITS SPORT FISHING REGULATIONS BOOKLET AND SHALL CONSPICUOUSLY POST HEALTH
14 WARNINGS IN ITS ONLINE WEEKLY FISHING REPORTS. ALL SIGNAGE AND HEALTH
15 ADVISORIES SHALL BE PROVIDED IN BOTH ENGLISH AND SPANISH.

16 F. FOR THE PURPOSES OF THIS SECTION, "SPORT FISH" MEANS GAME FISH
17 AS DEFINED IN SECTION 17-101.

18 Sec. 2. Appropriation; department of environmental quality;
19 fish contaminant monitoring program; exemption

20 A. The sum of \$500,000 is appropriated from the state general fund
21 in fiscal year 2023-2024 to the department of environmental quality for
22 the purposes provided in section 49-210.01, Arizona Revised Statutes, as
23 added by this act.

24 B. The appropriation made in subsection A of this section is exempt
25 from the provisions of section 35-190, Arizona Revised Statutes, relating
26 to lapsing of appropriations.