What is due care?

Due care means taking action to protect people from contact with contamination, allow the safe redevelopment of contaminated property, and prevent spreading the contamination off your property. Exposure to contamination can come through breathing contaminated vapors, drinking contaminated water, or contacting contaminated soils.

How do I know if my property could be contaminated?

Contamination can come from many sources such as past or present industrial and agricultural uses, gas tanks and gas stations, dry cleaning operations, or residential fuel oil tanks.

There are many resources to help owners and operators learn about the history of a property. Inventories of contaminated properties can be found on the DEQ’s web site. Property files are located in the DEQ District Offices. County clerks can provide deed notices or restrictions on the property. Local health departments, previous owners, real estate disclosures, past or present employees, or neighbors may also provide valuable information. Anyone considering purchasing or leasing property should exercise due diligence and look into the condition and history of the property. Environmental professionals are often consulted to complete an Environmental Site Assessment of the property.

Who has due care?

The owner and the operator of property known to be contaminated are obligated to exercise due care. This includes businesses, industries, residences, schools, parks, etc.

When do I take due care?

You take due care when you have knowledge that your property is contaminated.

What do I do if my property is contaminated?

Evaluate your property uses, determine if people may be exposed to the contamination and what actions could be taken to prevent the exposure, and comply with the other due care obligations. The DEQ has a spreadsheet available to aid in this evaluation. Environmental professionals often assist with this process.

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Do I need DEQ approval?

DEQ approval of your evaluation and the actions you take to comply with your due care obligations is not required. However, you must conduct the evaluation, maintain documentation of the actions you take, and provide your documentation to the DEQ upon request.

What are the due care obligations?

- Prevent anyone using the property from being exposed to the contamination, and prevent fire and explosions related to the contamination.
- Prevent actions that might cause the existing contamination to spread off your property.
- Take reasonable precautions to protect other people who come onto the property, such as contractors, utility workers, etc.
- Cooperate with and provide access to the person responsible for cleanup of the contamination and don’t interfere with their actions.
- Be aware of and comply with any land or resource use restrictions on the property due to the

Look into the condition and history of your property before you purchase or lease. Exercise due care!
contamination. For example, prevent the installation of a drinking water well into contaminated groundwater.

Top reasons why you should care about due care

- Due care is about protecting public health and safety; it protects you and your community.
- It allows the safe use of contaminated properties.
- Due care encourages redevelopment of abandoned, vacant, or under-utilized properties, generally referred to as “brownfields.”
- It promotes investment in your community and supports local economic growth.
- Due care makes contaminated properties useful again.

Sources of information

To learn more about the due care program, please contact us at:

DEQ Due Care Specialist
Jeanne Schlaufman
Remediation Division
586-753-3823
schlaufmanj1@michigan.gov

DEQ Due Care Web Page
www.michigan.gov/duecare

DEQ Remediation Division
www.michigan.gov/deq/rrd

DEQ Environmental Assistance Center: 1-800-662-9278

Legislation requiring due care is located in Section 20107a of Part 201 (Environmental Remediation) of the state’s Natural Resources and Environmental Protection Act, 1994, PA 451, as amended (NREPA). Find this legislation at this web location: www.michigan.gov/duecare

Could this pertain to you?

DUE CARE

Using Contaminated Property Safely

An Introduction to Michigan’s due care requirements

Michigan Department of Environmental Quality Remediation Division