

HOUSE BILL NO. 891

Introduced: 02/21/83

Referred to Committee on Fish & Game: 02/21/83

Hearing: 3/1/83

Died in Committee

1 *House* BILL NO. 891
2 INTRODUCED BY *Hayes*
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE SAMPLING AND
5 TESTING OF FISH FROM MONTANA WATERS FOR EXISTENCE OF
6 SUBSTANCES TOXIC TO HUMAN HEALTH; PROVIDING AN
7 APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."
8

9 WHEREAS, there is growing public concern about the
10 presence of toxic substances in the aquatic environment that
11 potentially affects human health; and

12 WHEREAS, a growing number of Montanans are fearful of
13 the potential dangers associated with the consumption of
14 fish caught in Montana's waters; and

15 WHEREAS, there is a strong need to determine whether or
16 not the public concerns and fears are justified.

17 THEREFORE, it is the intent of this bill to require the
18 Department of Health and Environmental Sciences in
19 cooperation with the Department of Fish, Wildlife, and Parks
20 to conduct an exploratory survey of toxic substances in fish
21 that are potentially harmful to human health in Montana.

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

24 Section 1. Selection of study areas. On or before
25 September 1, 1983, and on or before May 1 of each year

1 thereafter, the department of fish, wildlife, and parks
2 shall designate no more than 10 water bodies in the state
3 for the collection of fish samples for the purpose of toxic
4 substance analysis as provided for in [section 2]. In
5 designating water bodies for the collection of fish samples
6 pursuant to [this act], the department shall consider:

7 (1) the degree to which the water body produces fish
8 that are used for human consumption;

9 (2) the scientific likelihood that the water body
10 would contain toxic substances that are potentially harmful
11 to human health;

12 (3) the presence of reliable indicator fish species;

13 (4) the cost and practicability of obtaining suitable
14 samples of indicator fish species.

15 Section 2. Collection of fish samples. No more than
16 three times each year for each designated water body, the
17 department of fish, wildlife, and parks shall collect from
18 each water body designated pursuant to [section 1] a sample
19 of fish suitable for chemical analysis for the purpose of
20 detecting and measuring the presence of toxic substances
21 that are potentially harmful to human health. The department
22 shall immediately submit the sample to the department of
23 health and environmental sciences. Each fish sample supplied
24 to the department of health and environmental sciences must
25 be preserved in a scientifically acceptable manner that will

1 facilitate accurate and reliable chemical analysis and must
2 be clearly labeled with the following information:

- 3 (1) the date the sample was obtained;
4 (2) the location where the sample was obtained; and
5 (3) the scientific and common name of the fish.

6 Section 3. Toxic substance analysis. Upon receipt of a
7 fish sample as provided for in [section 2], the department
8 of health and environmental sciences shall conduct or have
9 conducted a chemical analysis of the sample for the purpose
10 of detecting and measuring those toxic substances that,
11 based on the best available scientific information, may
12 exist and are potentially harmful to human health.

13 Section 4. Evaluation of chemical analysis. Upon
14 completion of a chemical analysis provided for in [section
15 3], the department of health and environmental sciences
16 shall evaluate the results of the analysis, using the best
17 available scientific information, in order to assess the
18 potential human health risks that might result from
19 consumption of the fish. The evaluation must be summarized
20 in a report within 30 days of completion of the evaluation.
21 The report must be made available to the public upon
22 request.

23 Section 5. Appropriation. The following money is
24 appropriated from the general fund to the department of
25 health and environmental sciences to fund the chemical

1 analysis for toxic substances required in [section 3]:

2	Fiscal year ending June 30, 1984	\$20,000
3	Fiscal year ending June 30, 1985	\$20,000
4	Section 6. Effective date. This act is effective July	
5	1, 1983.	

-End-