

What is due care?

Due care means taking the actions necessary to protect people from exposure to contamination. People can be exposed to contamination by breathing contaminated air, drinking contaminated water, or being in contact with contaminated soil.

How do I know if my property is contaminated?

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

There are multiple ways to learn about the history of a property. An inventory of known contaminated properties can be found on the Michigan Department of Environment, Great Lakes, and Energy's (EGLE) web site at Michigan.gov/EGLEDueCare. EGLE District Offices may have paper or electronic files you can access. County Register of Deeds offices will tell you whether a notice or restriction is attached to the property that may contain information regarding the environmental condition of the property. Local health departments, previous owners, real estate disclosures, past or present employees, or neighbors may provide valuable information.

You may want to hire an environmental professional to help you with this research and look for clues that your property might be contaminated.

When do I take due care?

When you know your property is contaminated, Michigan law says you must undertake due care to assure the safe use of the property.

What do I do if my property is contaminated?

Evaluate how your property is used to determine if and how people may be exposed to contamination and determine what actions need to be taken to prevent the exposure. An environmental professional can help you comply with your due care obligations.

Do I need EGLE approval?

You do not need EGLE approval of your evaluation or the actions you take to protect people from exposure and comply with your due care obligations. However, you must still conduct the evaluation, maintain documentation of the evaluation and the actions taken, be able to demonstrate you are in compliance, and provide your documentation to EGLE if requested.

Section 20114g of Part 201 and sections 23123n of Part 213, allow for a current owner and or operator of contaminated property to submit Documentation of Due Care Compliance (DDCC) to EGLE for review and approval. A DDCC is a document, not a plan, that must include sufficient "documentation" to demonstrate the current owner and or operator is in compliance with their due care obligations applicable to the property based on current use.

Who is responsible for due care?

The owner and operator of contaminated property are responsible for undertaking the actions needed (due care) to protect people from exposure to contamination at their property. This includes property where businesses, industries, homes, schools, and parks are located.

What are the due care obligations?

- Protect people using or visiting the property from being exposed to the contamination.
- Avoid taking actions that might cause the existing contamination to spread beyond your property.
- Cooperate with and provide access to persons responsible for cleanup of the contamination and don't interfere with their actions.
- Take the necessary precautions to protect people who come onto the property, such as contractors, utility workers, and even trespassers.
- Be aware of and comply with any restrictions on land or resources. For example, a restriction may prohibit drilling 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 for 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 is required by law

Learn more about due care and environmental contamination

Jeanne Schlaufman
Due Care Specialist
EGLE Remediation and Redevelopment Division
586-753-3823
SchlaufmanJ1@Michigan.gov

EGLE Due Care
Michigan.gov/EGLEduecare

More about environmental contamination and redevelopment: Michigan.gov/EGLErrd

EGLE Environmental Assistance Center
800-662-9278

The law requiring due care is located in Section 20107a and Section 21304c of Part 201 (Environmental Remediation) and Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Links provided at Michigan.gov/EGLEDueCare

Due Care

Using Contaminated Property Safely



An introduction to Michigan's due care requirements



The Michigan Department of Environment, Great Lakes, and Energy (EGLE) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, political beliefs, height, weight, genetic information, or sexual orientation. Questions or concerns should be directed to the Office of Human Resources, PO Box 30473, Lansing, MI 4890. 08/2021