



**House
Legislative
Analysis
Section**

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OIL SPILL IMMUNITY

House Bill 4806

Sponsor: Rep. Tom Alley

**Committee: Conservation, Recreation
& Environment**

Complete to 7-30-91

A SUMMARY OF HOUSE BILL 4806 AS INTRODUCED 5-9-91

The Environmental Response Act currently exempts a "response activity contractor" (one who enters into a contract to clean up a site that is contaminated with a hazardous substance) from liability for injuries, costs, damages, expenses, or other liability, unless the contractor's own negligent misconduct caused the release, or threatened release. Also exempt are state and local government employees who provide services related to response activities. (The act does not affect the liability of a response activity contractor employer to an employee, nor the liability of persons working under a federal, state, or common law warranty or guarantee). House Bill 4806 would amend the act to extend the exemption from liability to a person who rendered -- or failed to render -- care, assistance, or advice consistent with the National Contingency Plan prepared and published under Title III of the federal Water Pollution Control Act. Under the bill, a person would also not be liable for response activity costs or damages if he or she were directed by either the director of the Department of Natural Resources or by the "federal on-scene coordinator" (the federal official predesignated by the U.S. Environmental Protection Agency [EPA], or by the U.S. Coast Guard, to coordinate and direct federal responses under the plan, or the official designated by the lead agency to coordinate and direct removal under the plan). Although the bill would relieve the above persons from liability for a site, others considered liable under the act would still be liable for their share of response activity costs or other damages, or both, for that site.

The provisions of the bill would not apply to any of the following:

- A person considered liable under the act (the owner or operator of a facility, or a person under contract to dispose of a hazardous substance, or to transport it for disposal or treatment) for a release or a threatened release from a facility.
- An action with respect to personal injury or wrongful death.
- A person who was grossly negligent, or who engaged in willful misconduct.

MCL 299.612b

House Bill 4806 (7-30-91)