

HOUSE BILL No. 4670

April 16, 1991, Introduced by Reps. Nye, Bartnik, Alley, DeMars, Weeks, Martin, Hoekman, Harder, Middaugh, Dalman, Jaye, Bodem, Hoffman, Dobb and Middleton and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend the title and sections 1, 5, and 10 of Act No. 60 of the Public Acts of 1976, entitled

"An act to prohibit the manufacture, sale, and use in this state of polychlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures thereof and certain items, products, and materials containing certain concentrations of those compounds; to provide for labeling and reporting requirements concerning polychlorinated biphenyls, terphenyls, higher polyphenyls or mixtures thereof and for their disposal; to prescribe the powers and duties of the director of the department of natural resources and certain other state officers; to provide exemptions; and to provide penalties,"

being sections 299.351, 299.355, and 299.360 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 5, and 10 of Act
2 No. 60 of the Public Acts of 1976, being sections 299.351,
3 299.355, and 299.360 of the Michigan Compiled Laws, are amended
4 to read as follows:

TITLE

1
2 An act to prohibit the manufacture, sale, and use in this
3 state of polychlorinated biphenyls, terphenyls, higher poly-
4 phenyls, or mixtures thereof and certain items, products, and
5 materials containing certain concentrations of those compounds;
6 to provide for labeling and reporting requirements concerning
7 polychlorinated biphenyls, terphenyls, higher polyphenyls or mix-
8 tures thereof and for their disposal; to prescribe the powers and
9 duties of the director of the department of ~~natural resources~~
10 ENVIRONMENT AND HUMAN HEALTH and certain other state officers; to
11 provide exemptions; and to provide penalties.

12 Sec. 1. As used in this act:

13 (a) "Director" means the director of the department of
14 ~~natural resources~~ ENVIRONMENT AND HUMAN HEALTH.

15 (b) "PCB" means the class of chlorinated biphenyl, ter-
16 phenyl, higher polyphenyl, or mixtures of these compounds
17 produced by replacing 2 or more hydrogen atoms on the biphenyl,
18 terphenyl, or higher polyphenyl molecule with chlorine atoms.
19 PCB shall not include chlorinated biphenyls, terphenyls, higher
20 polyphenyls, or mixtures of these compounds that have functional
21 groups attached other than chlorine unless that functional group
22 on the chlorinated biphenyls, terphenyls, higher polyphenyls, or
23 mixtures thereof is determined to be dangerous to the public
24 health, safety, and welfare under section 5.

25 (c) "Person" means an individual, firm, partnership, associ-
26 ation, or corporation.

(d) "Ppm" means parts per million.

Sec. 5. After receiving a recommendation by affirmative majority vote of a special committee consisting of the director, the director of the department of commerce, and the director of the department of ~~public health~~ NATURAL RESOURCES, the director shall by rule determine, within the concentrations prescribed by this act, whether the chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures thereof named in the recommendation and having certain functional groups in addition to chlorine attached to the molecule constitute a sufficient danger to the public health, safety, and welfare as to be regulated as a PCB by this act.

Sec. 10. (1) On or before January 1 of each year a person subject to regulation under this act shall report to the director the total cost to that person of the conversion from PCB to substitute compounds which are approved by the director.

(2) The director shall compile the total cost of conversion for all affected persons in the state. The statistics shall be maintained by the department of ~~natural resources~~ ENVIRONMENT AND HUMAN HEALTH, and shall be reported annually to the governor, the senate and house ~~conservation~~ committees THAT ADDRESS MATTERS PERTAINING TO NATURAL RESOURCES AND THE ENVIRONMENT, and all members of the legislature. In addition, the total annual cost shall be published annually by the department of ~~natural resources~~ ENVIRONMENT AND HUMAN HEALTH.

1 Section 2. This amendatory act shall not take effect unless
2 all of the following bills of the 86th Legislature are enacted
3 into law:

4 (a) Senate Bill No. _____ or House Bill No. 4674 (request
5 no. 02482'91).

6 (b) Senate Bill No. _____ or House Bill No. 4669 (request
7 no. 02483'91).