



**House
Legislative
Analysis
Section**

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DEFINE "HAZARDOUS SUBSTANCE"

House Bill 4670

Sponsor: Rep. Tom Alley

**Committee: Conservation, Environment
and Great Lakes Affairs**

Complete to 6-10-93

A SUMMARY OF HOUSE BILL 4670 AS INTRODUCED 4-28-93

House Bill 4670 would amend the Environmental Response Act to define the term "hazardous substance" on a site-specific basis, and to exclude commercial lending institutions from liability for cleanup of an environmentally contaminated site when acting in a representative capacity for a disabled person.

Hazardous Waste. Under the act, environmental contamination is defined as the release of a "hazardous substance" which causes harm, or potential harm, to the public health, safety, or welfare, or to the environment. A "hazardous substance" is a chemical or other material that may become injurious to the public health, safety or welfare or to the environment. House Bill 4670 would amend the act to redefine a "hazardous substance" as any substance that the Department of Natural Resources had demonstrated, on a case by case basis, to pose an unacceptable risk to public health, safety, welfare, or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources.

Liability for Cleanup. Under the act, a commercial lending institution or person who acts as a fiduciary is not held personally liable as an "owner" or "operator" of a property, provided that the lender has not managed the property prior to assuming ownership or control of it. The bill would amend the act to include under this provision a commercial lending institution or other person who assumed ownership or control of a property in a representative capacity for a disabled person.

MCL 299.603 and 299.612a

House Bill 4670 (6-10-93)