



**House  
Legislative  
Analysis  
Section**

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## BAN SCHOOL INCINERATORS

House Bill 4739 as introduced  
First Analysis (9-22-93)

Sponsor: Rep. Tracey Yokich  
Committee: Conservation, Recreation &  
Environment

### ***THE APPARENT PROBLEM:***

Though most Michigan schools now dispose of the waste they generate by having it taken to a landfill, some schools apparently still burn their garbage in incinerators. This problem has been brought to light in a number of communities in southeast Michigan. In one school district near St. Clair Shores, for instance, concerns have been raised over the use of an incinerator on or near school property that some people fear could be harmful to the children who attend that school as well as to others who frequent the area. In December of 1991, the Air Pollution Control Commission notified school administrators of the potential problems that could result from incinerating trash and requested that they voluntarily discontinue incinerating waste. Some people believe the state should take further action by prohibiting the use of incinerators at all public or nonpublic schools throughout the state.

### ***THE CONTENT OF THE BILL:***

The bill would amend the Air Pollution Act to prohibit the operation of incinerators at all public or nonpublic schools and preschools, beginning one year after the bill's effective date.

MCL 336.5b

### ***FISCAL IMPLICATIONS:***

The Department of Natural Resources says the bill would not affect departmental programs within the Air Quality Division and, thus, would not have state budgetary implications. (9-22-93)

### ***ARGUMENTS:***

#### ***For:***

School incinerators often are poorly maintained and operated, burn materials that should not be burned in the type of incinerator used, and may emit an

excessive amount of toxic substances considered harmful to human health and the environment. While an incinerator used at one school may generate a relatively small amount of pollution, the surrounding community usually is affected the most by that pollution. Smoke and emissions from the short stacks of these incinerators tend to settle over school property and nearby homes. For these reasons the Air Pollution Control Commission sent out notices to all school superintendents in the state asking them to no longer use incinerators to dispose of school waste. School administrators, of course, may have opted to disregard this request. The bill, however, would go one step further by imposing an outright ban on the use of incinerators at all public and nonpublic schools and, thus, could serve to protect the health and welfare of those children exposed to incinerator emissions at some schools in the state.

#### ***Against:***

Industry opponents of the bill argue that it is unnecessary to ban all incinerators on school property, since properly operated and maintained incinerators pose no threat to human health. If incinerators are out of compliance with air quality regulations, government regulators can shut them down.

#### ***Response:***

While it is technically correct to say that substandard incinerators can be shut down already, the reality of current state budgeting levels means that the Department of Natural Resources, in its own analysis of an identical bill introduced last session, notes that departmental resources devoted to reviewing and issuing permits and conducting field investigations of complaints directed at incinerators is small. In fact, due to budgetary constraints it would appear that these small, dirty incinerators are virtually unregulated and should be shut down as quickly as possible.

House Bill 4739 (9-22-93)

***Against:***

The bill should simply ban the use of all incinerators, period. Incinerators generate toxins that hurt the environment and are harmful to human health. While protecting the health of school children is vital, the state should make sure that all of its citizens are safe from the dangers that result from incinerating waste.

***Response:***

While it may be desirable to ban all incinerators, this may be problematic right now due to their widespread use by businesses (as regulated by the Department of Natural Resources). The bill aims to address the problem as it applies to schools, which are occupied primarily by children who could be more susceptible to the harmful effects of incinerator emissions. Any other prohibitions should be addressed in separate legislation.

***Against:***

Some people fear the bill could have fiscal implications for the state under the Headlee Amendment, which requires the state to pay local governments' costs in carrying out state mandates. While the bill may save some schools money that they otherwise spend on operating and maintaining incinerators, other schools may have to pay more under the bill to dispose of their waste at landfills.

***Response:***

According to a recent article in the Detroit Free Press, evidence from a number of Detroit-area school districts suggests that incinerating trash is more costly than having it recycled or taken to a landfill, primarily due to the amount of natural gas needed to operate incinerators. According to the article, one school district was spending \$350 a month per incinerator before it decided to have its trash hauled to a dump, while another school said it saved about \$120,000 annually after switching from incinerators to landfills.

***POSITIONS:***

The Department of Natural Resources supports the bill. (9-22-93)

The American Lung Association supports the bill. (9-22-93)

The Sierra Club, Mackinac Chapter, supports the bill. (9-22-93)

The Michigan Education Association supports the bill. (9-22-93)

The Michigan Environmental Council supports the bill. (9-22-93)

The environmental group known as Helping the Environment, Life and People (HELP, Inc.) of St. Clair Shores supports the bill. (9-22-93)