

Senate Fiscal Agency  
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**SFA**



**BILL ANALYSIS**

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Senate Bill 677 (Substitute S-2 as passed by the Senate)  
Sponsor: Senator Joel D. Gougeon  
Committee: Agriculture and Forestry

Date Completed: 11-14-97

### **RATIONALE**

Recently, changes have been made to Federal regulations pertaining to the transportation of hazardous materials. The regulations exempt the transportation of agricultural products if it conforms to the requirements of the state in which the agricultural products are transported, and if the transportation is specifically authorized by a state statute or regulation effective before July 1, 1998. (The exemption is described in more detail in **BACKGROUND**, below.) It has been suggested that, to maintain the status quo, Michigan's regulations should reflect the Federal changes.

### **CONTENT**

The bill would amend the Motor Carrier Safety Act to authorize the transportation of agricultural products that are exempt from hazardous materials transportation regulations as specified in Part 173.5 and Subparts G and H of Part 172 of the Code of Federal Regulations, if the transportation were in compliance with the Motor Carrier Safety Act and other State law. (Part 173 pertains to agricultural products that are exempted from the general requirements for shipments and packagings and subparts G and H pertain to emergency response information and training for hazardous materials employees.)

Proposed MCL 480.5

### **BACKGROUND**

Under Part 173.5 of the Code of Federal Regulations, the transportation of an agricultural product over local roads is exempt from Federal hazardous materials regulations, when:

- The product is transported by a farmer who is an intrastate private motor carrier; and
- The movement of the agricultural product

conforms to requirements of the state in which it is transported and is specifically authorized by a state statute or regulation in effect before July 1, 1998.

In addition, the transportation of an agricultural product to or from a farm, within 150 miles of the farm, is exempt from the requirements of subparts G and H of Part 172 (emergency response information and training for employees), when:

- It is transported by a farmer who is an intrastate private motor carrier;
- The total amount being transported on a single vehicle does not exceed specified levels;
- The packaging conforms to requirements of the state in which it is transported and is specifically authorized for transportation of the agricultural product by a state statute or regulation in effect on or before July 1, 1998; and
- Each person having any responsibility for transporting the product or preparing it for shipment has been instructed in the applicable Federal requirements.

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

The current Federal regulations require a state statute or regulation effective before July 1, 1998, to exempt the transportation of agricultural products from hazardous materials transportation regulations. The bill would specifically provide the statutory authority to do this. The current regulations avoid paperwork and unnecessary hazardous materials training in the transportation of

hazardous materials such as liquid fertilizer. Some people feel that agricultural materials should continue to be excluded from hazardous materials transportation regulations since farmers handle these products in their work in a daily basis.

Legislative Analyst: N. Nagata

**FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: B. Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.