

HOUSE BILL No. 6070

September 16, 1998, Introduced by Reps. Brater, Brewer, Baird, Schroer, LaForge, Willard, Freeman, Schermesser, Varga, DeHart, Martinez, Kilpatrick, Scott and Profit and referred to the Committee on Conservation, Environment and Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding chapter 9 to article II.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER 9: HEALTH

2 PART 221 RISK STANDARDS

3 SEC. 22101. AS USED IN THIS PART:

4 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
5 QUALITY.

6 (B) "RELEASE" INCLUDES, BUT IS NOT LIMITED TO, ANY SPILLING,
7 LEAKING, PUMPING, POURING, EMITTING, EMPTYING, DISCHARGING,
8 INJECTING, ESCAPING, LEACHING, DUMPING, OR DISPOSING OF A HAZARD-
9 OUS AND TOXIC COMPOUND INTO THE ENVIRONMENT, OR THE ABANDONMENT
10 OR DISCARDING OF BARRELS, CONTAINERS, AND OTHER CLOSED
11 RECEPTACLES CONTAINING A HAZARDOUS OR TOXIC COMPOUND. RELEASE

1 DOES NOT INCLUDE A RELEASE THAT RESULTS IN EXPOSURE TO PERSONS
2 SOLELY WITHIN A WORKPLACE, WITH RESPECT TO A CLAIM THAT THESE
3 PERSONS MAY ASSERT AGAINST THEIR EMPLOYERS.

4 (C) "RISK STANDARD" MEANS A STANDARD ESTABLISHED BY A
5 DEPARTMENT UNDER THIS ACT OR THE PUBLIC HEALTH CODE, 1978 PA 368,
6 MCL 333.1101 TO 333.25211, TO DETERMINE POTENTIAL THREATS TO THE
7 PUBLIC HEALTH OR THE ENVIRONMENT POSED BY RELEASES.

8 SEC. 22102. (1) THE DEPARTMENT SHALL REVIEW EACH OF ITS
9 RISK STANDARDS AND DETERMINE BOTH OF THE FOLLOWING:

10 (A) WHETHER THE RISK STANDARD TAKES INTO ACCOUNT AND IS ABLE
11 TO IDENTIFY ANY DIFFERENT RISKS TO DEVELOPING HUMAN FETUSES, MALE
12 AND FEMALE CHILDREN, AND MALE AND FEMALE ADULTS POSED BY
13 RELEASES, SO AS TO PROTECT THE HEALTH OF EACH WITH A MARGIN OF
14 SAFETY.

15 (B) WHETHER THE RISK STANDARD EVALUATES EACH OF THE FOLLOW-
16 ING SPECIFIC RISKS ADEQUATELY TO PROTECT HEALTH WITH A MARGIN OF
17 SAFETY:

18 (i) ADVERSE REPRODUCTIVE OUTCOMES.

19 (ii) RESPIRATORY DISEASE.

20 (iii) IMMUNOLOGIC SUPPRESSION.

21 (iv) CANCER.

22 (v) NEUROLOGICAL DEVELOPMENT.

23 (vi) ENDOCRINAL (HORMONAL) FUNCTIONING.

24 (vii) GENERAL FETAL AND CHILD DEVELOPMENT.

25 (viii) ANY OTHER IMPORTANT HEALTH OUTCOMES IDENTIFIED BY
26 THAT DEPARTMENT.

1 (2) IF THE DEPARTMENT DETERMINES THAT A RISK STANDARD DOES
2 NOT SATISFY THE REQUIREMENTS OF SUBSECTION (1), THE DEPARTMENT
3 SHALL ESTABLISH A NEW RISK STANDARD THAT SATISFIES THE REQUIRE-
4 MENTS OF SUBSECTION (1). THE NEW RISK STANDARD SHALL TAKE EFFECT
5 NO LATER THAN JANUARY 1, 2001.

6 (3) IF THE DEPARTMENT IS UNABLE TO DETERMINE WHETHER A RISK
7 STANDARD SATISFIES THE REQUIREMENTS OF SUBSECTION (1), THE
8 DEPARTMENT SHALL IDENTIFY METHODS TO MINIMIZE OR PREVENT EXPOSURE
9 TO THE HAZARDOUS OR TOXIC COMPOUND.

10 (4) IF, BASED ON EXISTING RESEARCH, THE DEPARTMENT IS UNABLE
11 TO DETERMINE WHETHER A RISK STANDARD SATISFIES THE REQUIREMENTS
12 OF SUBSECTION (1)(A) WITH RESPECT TO MALE OR FEMALE CHILDREN OR
13 SUBSECTION (1)(B)(vii) WITH RESPECT TO CHILD DEVELOPMENT, THE
14 DEPARTMENT SHALL IDENTIFY AND PROPOSE ADDITIONAL RESEARCH NECES-
15 SARY FOR THE DEPARTMENT TO MAKE THE DETERMINATION.

16 (5) THE DEPARTMENT SHALL CARRY OUT ITS RESPONSIBILITIES
17 UNDER THIS PART IN COORDINATION WITH THE TASK FORCE ON
18 ENVIRONMENTAL HEALTH RISKS AND SAFETY RISKS TO CHILDREN ESTAB-
19 LISHED UNDER EXECUTIVE ORDER NO. 13045, 62 F.R. 19885 (1997).

20 Enacting section 1. This amendatory act takes effect
21 January 1, 1999.