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## BILL ANALYSIS

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Senate Bill 1458 (as reported without amendment)  
Sponsor: Senator Patricia L. Birkholz  
Committee: Natural Resources and Environmental Affairs

### **CONTENT**

The bill would amend the Natural Resources and Environmental Protection Act to:

- Prohibit a person from manufacturing, processing, or distributing a product or material containing more than 0.1% of penta-BDE or octa-BDE, beginning June 1, 2006.
- Make an exception to the prohibition for the processing of recyclables containing penta- or octa-BDE in compliance with applicable Federal, State, and local laws.
- Provide that a violation would be a misdemeanor punishable by a fine of not less than \$2,500 or more than \$50,000; and specify that each day a violation continued would be considered a separate violation.
- Allow the Attorney General to bring a civil action for appropriate relief.
- Allow the Department of Environmental Quality (DEQ) to establish a PBDE advisory committee to assist it in determining the risk posed by the release of PBDEs, other than penta-BDE or octa-BDE, to human health and the environment.

The DEQ would have to use existing programs to monitor the presence of PBDEs in the State's environment to determine exposure and risk. If new scientific information gathered by the advisory committee indicated a significant risk to human health and the environment in the State, the DEQ would have to advise the Legislature of the risk.

The bill would define "PBDE" as polybrominated diphenyl ether. "Penta-BDE" would mean pentabromodiphenyl ether. "Octa-BDE" would mean octabromodiphenyl ether.

MCL 324.14701 et al.

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The bill would require the Department to use existing programs to monitor the presence of PBDEs in the environment. Enforcement costs and damages recovered would depend on the number of violations.

Any additional penal fine revenue raised due to the proposed misdemeanor would benefit public libraries.

Date Completed: 11-8-04

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[floor\sb1458](#)

[Analysis available @ http://www.michiganlegislature.org](http://www.michiganlegislature.org)

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