

SUBSTITUTE FOR  
HOUSE BILL NO. 4406

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 14701, 14702, 14703, and 14705 (MCL  
324.14701, 324.14702, 324.14703, and 324.14705) and by amending  
the part heading for part 147 and by adding sections 14722 and  
14725.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           PART 147 ~~—PCB COMPOUNDS—~~ **CHEMICAL SUBSTANCES**

2                           **SUBPART 1 PCB COMPOUNDS**

3           Sec. 14701. As used in this ~~—part—~~ **subpart:**

4           **(a) "Department" means the department of environmental**  
5 **quality.**

6           **(b) —(a)—** "PCB" means the class of chlorinated biphenyl,  
7 terphenyl, higher polyphenyl, or mixtures of these compounds  
8 produced by replacing 2 or more hydrogen atoms on the biphenyl,

1 terphenyl, or higher polyphenyl molecule with chlorine atoms.  
2 PCB does not include chlorinated biphenyls, terphenyls, higher  
3 polyphenyls, or mixtures of these compounds that have functional  
4 groups attached other than chlorine unless that functional group  
5 on the chlorinated biphenyls, terphenyls, higher polyphenyls, or  
6 mixtures of these compounds is determined to be dangerous to the  
7 public health, safety, and welfare under section 14703.

8 (c) ~~(b)~~ "Ppm" means parts per million.

9 Sec. 14702. The department is responsible for the  
10 administration and implementation of this ~~part~~ **subpart** to  
11 protect the public health, safety, and welfare from the toxic  
12 effects and environmental dangers of PCB. The department shall  
13 promulgate rules to implement and administer this ~~part~~  
14 **subpart**.

15 Sec. 14703. After receiving a recommendation by affirmative  
16 majority vote of a special committee consisting of a  
17 representative of the department, the director of ~~commerce~~  
18 **labor and economic growth**, and the director of ~~public~~ **the**  
19 **department of community** health, the department shall by rule  
20 determine, within the concentrations prescribed by this ~~part~~  
21 **subpart**, whether the chlorinated biphenyls, terphenyls, higher  
22 polyphenyls, or mixtures of these compounds named in the  
23 recommendation and having certain functional groups in addition  
24 to chlorine attached to the molecule constitute a sufficient  
25 danger to the public health, safety, and welfare as to be  
26 regulated as a PCB by this ~~part~~ **subpart**.

27 Sec. 14705. ~~(1)~~ A person who violates this ~~part~~ **subpart**

1 or a rule promulgated under this ~~part~~ **subpart** is guilty of a  
2 misdemeanor ~~—~~ punishable by a fine of not less than \$2,500.00  
3 or more than \$25,000.00. ~~—(2)—~~ Each day that a violation of this  
4 ~~part~~ **subpart** or a rule promulgated under this ~~part~~ **subpart**  
5 continues shall be considered a separate violation.

6       Sec. 14722. (1) Beginning June 1, 2006, a person shall not  
7 manufacture, process, or distribute a product or material that  
8 contains more than 1/10 of 1% of penta-BDE.

9       (2) This section does not apply to the processing of  
10 recyclables containing penta-BDE in compliance with applicable  
11 federal, state, and local laws.

12       Sec. 14725. A person who violates this subpart is guilty of  
13 a misdemeanor punishable by a fine of not less than \$2,500.00 or  
14 more than \$25,000.00. Each day that a violation of this subpart  
15 continues shall be considered a separate violation.

16       Enacting section 1. This amendatory act does not take  
17 effect unless Senate Bill No. 1458 of the 92nd Legislature is  
18 enacted into law.