

**SENATE 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 either of the following:

10 (a) Original equipment manufacturer replacement parts.

11 (b) The processing of recyclables containing penta-BDE in
12 compliance with applicable federal, state, and local laws.

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

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