

# HOUSE BILL NO. 4462

April 25, 2023, Introduced by Reps. DeSana, Outman and Rigas and referred to the Committee on Agriculture.

A bill to amend 1981 PA 93, entitled  
"Michigan right to farm act,"  
by amending section 4 (MCL 286.474), as amended by 2018 PA 292.

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

1       Sec. 4. (1) Subject to subsection (2), the director shall  
2 investigate all complaints involving a farm or farm operation,  
3 including, but not limited to, complaints involving the use of  
4 manure and other nutrients, agricultural waste products, dust,  
5 noise, odor, fumes, air pollution, surface water or groundwater

1 pollution, food and agricultural processing by-products, care of  
2 farm animals, and pest infestations. Within 7 business days of  
3 receipt of the complaint, the director shall conduct an on-site  
4 inspection of the farm or farm operation. The director shall  
5 notify, in writing, the city, village, or township and the county  
6 in which the farm or farm operation is located of the complaint.

7 (2) The commission and the director shall enter into a  
8 memorandum of understanding with the director of the department of  
9 ~~environmental quality~~. **environment, Great Lakes, and energy**. The  
10 investigation and resolution of environmental complaints concerning  
11 farms or farm operations must be conducted in accordance with the  
12 memorandum of understanding. However, the director shall notify the  
13 department of ~~environmental quality~~ **environment, Great Lakes, and**  
14 **energy** of any potential violation of the natural resources and  
15 environmental protection act, 1994 PA 451, MCL 324.101 to  
16 324.90106, or a rule promulgated under that act. Activities at a  
17 farm or farm operation are subject to applicable provisions of the  
18 natural resources and environmental protection act, 1994 PA 451,  
19 MCL 324.101 to 324.90106, and the rules promulgated under that act.  
20 The commission and the director shall develop procedures for the  
21 investigation and resolution for other farm-related complaints.

22 (3) If the director finds upon investigation under subsection  
23 (1) that the person responsible for a farm or farm operation is  
24 using generally accepted agricultural and management practices, the  
25 director shall notify, in writing, that person, the complainant,  
26 and the city, village, or township and the county in which the farm  
27 or farm operation is located of this finding. If the director  
28 identifies that the source or potential sources of the problem were  
29 caused by the use of other than generally accepted agricultural and

1 management practices, the director shall advise the person  
2 responsible for the farm or farm operation that necessary changes  
3 should be made to resolve or abate the problem and to conform with  
4 generally accepted agricultural and management practices and that  
5 if those changes cannot be implemented within 30 days, the person  
6 responsible for the farm or farm operation shall submit to the  
7 director an implementation plan including a schedule for completion  
8 of the necessary changes. When the director conducts a follow-up  
9 on-site inspection to verify whether those changes have been  
10 implemented, the director shall notify, in writing, the city,  
11 village, or township and the county in which the farm or farm  
12 operation is located of the time and date of the follow-up on-site  
13 inspection and shall allow a representative of the city, village,  
14 or township and the county to be present during the follow-up on-  
15 site inspection. If the changes have been implemented, the director  
16 shall notify, in writing, the person responsible for the farm or  
17 farm operation, the complainant, and the city, village, or township  
18 and the county in which the farm or farm operation is located of  
19 this determination. If the changes have not been implemented, the  
20 director shall notify, in writing, the complainant and the city,  
21 village, or township and the county in which the farm or farm  
22 operation is located that the changes have not been implemented and  
23 whether a plan for implementation has been submitted. Upon request,  
24 the director shall provide a copy of the implementation plan to the  
25 city, village, or township and the county in which the farm or farm  
26 operation is located.

27 (4) A complainant who brings more than 3 unverified complaints  
28 against the same farm or farm operation within 3 years may be  
29 ordered, by the director, to pay to the department the full costs

1 of investigation of any fourth or subsequent unverified complaint  
2 against the same farm or farm operation. As used in this  
3 subsection, "unverified complaint" means a complaint in response to  
4 which the director determines that the farm or farm operation is  
5 using generally accepted agricultural and management practices.

6 (5) Except as provided in subsection (6), this act does not  
7 affect the application of state statutes and federal statutes.

8 (6) Beginning June 1, 2000, except as otherwise provided in  
9 this section, it is the express legislative intent that this act  
10 preempt any local ordinance, regulation, or resolution that  
11 purports to extend or revise in any manner the provisions of this  
12 act or generally accepted agricultural and management practices  
13 developed under this act. Except as otherwise provided in this  
14 section, a local unit of government shall not enact, maintain, or  
15 enforce an ordinance, regulation, or resolution that conflicts in  
16 any manner with this act or generally accepted agricultural and  
17 management practices developed under this act.

18 (7) A local unit of government may submit to the director a  
19 proposed ordinance prescribing standards different from those  
20 contained in generally accepted agricultural and management  
21 practices if adverse effects on the environment or public health  
22 will exist within the local unit of government. A proposed  
23 ordinance under this subsection must not conflict with existing  
24 state ~~laws~~ or federal laws. At least 45 days ~~prior to~~ **before the**  
25 enactment of the proposed ordinance, the local unit of government  
26 shall submit a copy of the proposed ordinance to the director. Upon  
27 receipt of the proposed ordinance, the director shall hold a public  
28 meeting in that local unit of government to review the proposed  
29 ordinance. In conducting ~~its~~ **the** review, the director shall consult

1 with the departments of ~~environmental quality~~ **environment, Great**  
 2 **Lakes, and energy** and health and human services and ~~shall~~ consider  
 3 any recommendations of the county health department of the county  
 4 where the adverse effects on the environment or public health will  
 5 allegedly exist. Within 30 days after the public meeting, the  
 6 director shall make a recommendation to the commission on whether  
 7 the ordinance should be approved. An ordinance enacted under this  
 8 subsection must not be enforced by a local unit of government until  
 9 approved by the commission.

10 (8) By May 1, 2000, the commission shall issue proposed  
 11 generally accepted agricultural and management practices for site  
 12 selection and odor controls at new and expanding animal livestock  
 13 facilities. The commission shall adopt ~~such~~ **the** generally accepted  
 14 agricultural and management practices by June 1, 2000. In  
 15 developing ~~these~~ **the** generally accepted agricultural and management  
 16 practices **described under this subsection**, the commission shall do  
 17 both of the following:

18 (a) Establish an advisory committee to provide recommendations  
 19 to the commission. The advisory committee must include the entities  
 20 listed in section 2(d), 2 individuals representing townships, 1  
 21 individual representing counties, and 2 individuals representing  
 22 agricultural industry organizations.

23 (b) For the generally accepted agricultural and management  
 24 practices for site selection, consider groundwater protection, soil  
 25 permeability, and other factors determined necessary or appropriate  
 26 by the commission.

27 (9) **By September 1, 2023, the commission shall issue proposed**  
 28 **generally accepted agricultural and management practices for site**  
 29 **selection for the rearing of egg-laying hens in primarily**

1 residential areas. The commission shall adopt the generally  
2 accepted agricultural and management practices by October 1, 2023.  
3 In developing the generally accepted agricultural and management  
4 practices described under this subsection, the commission shall  
5 ensure that the practices include the following standards:

6 (a) The property used for rearing egg-laying hens must be at  
7 least 1/4 acre in size.

8 (b) The number of hens must not exceed 5 hens for every 1/4  
9 acre of property size or a total of 25 hens, whichever is less.

10 (10) ~~(9)~~—If generally accepted agricultural and management  
11 practices require the person responsible for the operation of a  
12 farm or farm operation to prepare a manure management plan, the  
13 person responsible for the operation of the farm or farm operation  
14 shall provide a copy of that manure management plan to the city,  
15 village, or township or the county in which the farm or farm  
16 operation is located, upon request. A manure management plan  
17 provided under this subsection is exempt from disclosure under the  
18 freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

19 (11) ~~(10)~~—The department shall do both of the following:

20 (a) Make available on the department's website current  
21 generally accepted agricultural and management practices.

22 (b) Establish a toll-free telephone number for receipt of  
23 information on noncompliance with generally accepted agricultural  
24 and management practices.

25 (12) ~~(11)~~—As used in this section:

26 (a) "Adverse effects on the environment or public health"  
27 means any unreasonable risk to human beings or the environment,  
28 based on scientific evidence and taking into account the economic,  
29 social, and environmental costs and benefits and specific

1 populations whose health may be adversely affected.

2 (b) "Commission" means the commission of agriculture and rural  
3 development.

4 (c) "Department" means the department of agriculture and rural  
5 development.

6 (d) "Director" means the director of the department or ~~his or~~  
7 ~~her~~ **the director's** designee.

8 Enacting section 1. This amendatory act does not take effect  
9 unless Senate Bill No. \_\_\_\_ or House Bill No. 4460 (request no.  
10 01719'23) of the 102nd Legislature is enacted into law.