

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

PART 147

CHEMICAL SUBSTANCES

SUBPART 1

PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES

324.14701 Definitions.

Sec. 14701. As used in this subpart:

(a) "Department" means the department of environment, Great Lakes, and energy.

(b) "Fire chief" means that term as defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

(c) "Organized fire department" means that term as defined in section 1 of the fire prevention code, 1941 PA 207, MCL 29.1.

(d) "PFAS" means a perfluoroalkyl or polyfluoroalkyl substance.

History: Add. 2020, Act 132, Imd. Eff. July 8, 2020.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

Former MCL 324.14701, which pertained to definitions, was repealed by Act 446 of 2012, Imd. Eff. Dec. 27, 2012.

Popular name: Act 451

Popular name: NREPA

324.14702 Repealed. 2012, Act 446, Imd. Eff. Dec. 27, 2012.

Compiler's note: For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

The repealed section pertained to duties of department for administration and implementation of subpart.

Popular name: Act 451

Popular name: NREPA

324.14703 Incident report.

Sec. 14703. Immediately after the end of a fire or other incident at which an organized fire department uses firefighting foam containing intentionally added PFAS, the fire chief shall report the incident to the Michigan pollution emergency alert system.

History: Add. 2020, Act 132, Imd. Eff. July 8, 2020.

Compiler's note: Former MCL 324.14703, which pertained to determination by rule that certain compounds constitute sufficient danger to public health, safety, and welfare, was repealed by Act 446 of 2012, Imd. Eff. Dec. 27, 2012.

Popular name: Act 451

Popular name: NREPA

324.14704 Repealed. 2012, Act 446, Imd. Eff. Dec. 27, 2012.

Compiler's note: The repealed section pertained to disposal of certain solid or liquid wastes.

Popular name: Act 451

Popular name: NREPA

324.14705 Collection program for firefighting foam concentrate; guidelines; subject to appropriations.

Sec. 14705. The department shall establish a collection program for firefighting foam concentrate containing intentionally added PFAS and establish guidelines for the program. Under the program, the department shall accept the foam concentrate free of charge and properly dispose of the foam concentrate. The program is contingent on legislative appropriations to cover program costs.

History: Add. 2020, Act 132, Imd. Eff. July 8, 2020.

Compiler's note: Former MCL 324.14705, which pertained to violation of subpart as misdemeanor, was repealed by Act 446 of 2012, Imd. Eff. Dec. 27, 2012.

Popular name: Act 451

Popular name: NREPA

SUBPART 2
PBDE COMPOUNDS

324.14721 Definitions; heading of subpart.

Sec. 14721. (1) As used in this subpart:

- (a) "Department" means the department of environmental quality.
- (b) "Octa-BDE" means octabromodiphenyl ether.
- (c) "PBDE" means polybrominated diphenyl ether.
- (d) "Penta-BDE" means pentabromodiphenyl ether.

(2) This subpart may be cited as the "Mary Beth Doyle PBDE act".

History: Add. 2004, Act 526, Imd. Eff. Jan. 3, 2005.

Popular name: Act 451

Popular name: NREPA

324.14722 Product or material containing penta-BDE; limitation; exceptions.

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

(2) This section does not apply to either of the following:

(a) Original equipment manufacturer replacement parts.

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

History: Add. 2004, Act 562, Imd. Eff. Jan. 3, 2005.

Popular name: Act 451

Popular name: NREPA

324.14723 Product or material containing octa-BDE; limitation; manufacturing, processing, or distributing; exception.

Sec. 14723. (1) Beginning June 1, 2006, a person shall not manufacture, process, or distribute a product or material that contains more than 1/10 of 1% of octa-BDE.

(2) This section does not apply to original equipment manufacturer replacement service parts or the processing of recyclables containing octa-BDE in compliance with applicable federal, state, and local laws.

History: Add. 2004, Act 526, Imd. Eff. Jan. 3, 2005.

Popular name: Act 451

Popular name: NREPA

324.14724 PBDE advisory committee; recommendations.

Sec. 14724. The department may establish a PBDE advisory committee to assist the department in determining the risk posed by the release of PBDEs, other than penta-BDE or octa-BDE, to human health and the environment. The department may 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 indicates a significant risk to human health and the environment in the state, the advisory committee shall inform the department of risk or risks and, if the department concurs, the department shall advise the legislature of the risk. Nothing in this section shall preclude the department from issuing recommendations to the legislature independent of any actions of the advisory committee.

History: Add. 2004, Act 526, Imd. Eff. Jan. 3, 2005.

Compiler's note: For transfer of PBDE advisory committee to department of environmental quality by type III transfer, see E.R.O. No. 2009-11, compiled at MCL 324.99915.

Popular name: Act 451

Popular name: NREPA

324.14725 Violation as misdemeanor; penalty.

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

History: Add. 2004, Act 562, Imd. Eff. Jan. 3, 2005.

Popular name: Act 451

Popular name: NREPA