

HOUSE BILL No. 5573

January 24, 2006, Introduced by Reps. Kolb, Kathleen Law, Lipsey, Zelenko and Lemmons, III and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 14721 and 14724 (MCL 324.14721 and 324.14724), as added by 2004 PA 526, and by adding section 14723a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

2 **(A) "DECA-BDE" MEANS DECABROMODIPHENYL ETHER.**

3 **(B) ~~(a)~~ "Department" means the department of environmental**
4 **quality.**

5 **(C) ~~(b)~~ "Octa-BDE" means octabromodiphenyl ether.**

6 **(D) ~~(c)~~ "PBDE" means polybrominated diphenyl ether.**

7 **(E) ~~(d)~~ "Penta-BDE" means pentabromodiphenyl ether.**

8 **(F) "RELEASE" MEANS THAT TERM AS IT IS DEFINED IN SECTION**
9 **20101.**

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

3 SEC. 14723A. (1) BEGINNING JUNE 1, 2007, A PERSON SHALL NOT
4 MANUFACTURE, PROCESS, OR DISTRIBUTE A PRODUCT OR MATERIAL THAT
5 CONTAINS DECA-BDE. HOWEVER, THIS SUBSECTION DOES NOT APPLY TO
6 EITHER OF THE FOLLOWING:

7 (A) ORIGINAL EQUIPMENT MANUFACTURER REPLACEMENT PARTS.

8 (B) THE PROCESSING OF RECYCLABLES CONTAINING DECA-BDE IN
9 COMPLIANCE WITH APPLICABLE FEDERAL, STATE, AND LOCAL LAWS.

10 (2) BEGINNING JUNE 1, 2007, A PERSON SHALL NOT RELEASE DECA-
11 BDE INTO THE ENVIRONMENT.

12 Sec. 14724. The department may establish a PBDE advisory
13 committee to assist the department in determining the risk posed by
14 the release of PBDEs, other than penta-BDE or octa-BDE, **AND**
15 **SUBSTANCES USED AS ALTERNATIVES TO PBDES** to human health and the
16 environment. The department may use existing programs to monitor
17 the presence of PBDEs in the state's environment to determine
18 exposure and risk. If new scientific information gathered by the
19 advisory committee indicates a significant risk to human health and
20 the environment in the state, the advisory committee shall inform
21 the department of risk or risks and, if the department concurs, the
22 department shall advise the legislature of the risk. ~~Nothing in~~
23 ~~this section shall~~ **THIS SECTION DOES NOT** preclude the department
24 from issuing recommendations to the legislature independent of any
25 actions of the advisory committee.