

SUBSTITUTE FOR
HOUSE BILL NO. 4281

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding sections 17210, 17215, and
17217.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17210. (1) BEGINNING JANUARY 1, 2011, A PERSON SHALL NOT
2 SELL, OFFER FOR SALE, OR OFFER FOR PROMOTIONAL PURPOSES OR FOR USE
3 IN THIS STATE A BAROMETER OR MANOMETER THAT IS A MERCURY-ADDED
4 PRODUCT. BEGINNING JANUARY 1, 2011, A PERSON SHALL NOT USE IN A
5 DAIRY FARMING OPERATION A MANOMETER THAT IS A MERCURY-ADDED
6 PRODUCT.

7 (2) BEGINNING JANUARY 1, 2012, A PERSON SHALL NOT SELL, OFFER
8 FOR SALE, OR OFFER FOR PROMOTIONAL PURPOSES OR FOR USE IN THIS
9 STATE ANY OF THE FOLLOWING:

1 (A) A FLOW METER, HYDROMETER, HYGROMETER, OR PSYCHROMETER THAT
2 IS A MERCURY-ADDED PRODUCT.

3 (B) A MERCURY SWITCH OR MERCURY RELAY. THIS SUBDIVISION DOES
4 NOT APPLY IF ANY OF THE FOLLOWING APPLY:

5 (i) THE MERCURY SWITCH OR MERCURY RELAY IS A COMPONENT IN A
6 LARGER PRODUCT IN USE BEFORE THE EFFECTIVE DATE OF THE AMENDATORY
7 ACT THAT ADDED THIS SECTION, THERE IS NOT A MERCURY-FREE
8 ALTERNATIVE AVAILABLE FOR THE COMPONENT, AND 1 OR MORE OF THE
9 FOLLOWING APPLY:

10 (A) THE LARGER PRODUCT IS USED IN MANUFACTURING.

11 (B) THE MERCURY SWITCH OR MERCURY RELAY IS INTEGRATED AND NOT
12 PHYSICALLY SEPARATE FROM OTHER COMPONENTS OF THE LARGER PRODUCT.

13 (ii) THE MERCURY SWITCH OR MERCURY RELAY IS A COMPONENT OF A
14 LARGER PRODUCT THAT HAS BEEN REFURBISHED FOR RESALE AND THAT WAS
15 ORIGINALLY MANUFACTURED BEFORE THE EFFECTIVE DATE OF THE AMENDATORY
16 ACT THAT ADDED THIS SECTION.

17 (iii) THE MANUFACTURER OF THE SWITCH OR RELAY COMPLIES WITH ALL
18 OF THE FOLLOWING:

19 (A) IT HAS RECEIVED AN EXCLUSION OR EXEMPTION FROM A STATE
20 THAT IS A MEMBER OF THE INTERSTATE MERCURY EDUCATION AND REDUCTION
21 CLEARINGHOUSE FOR REPLACEMENT PARTS.

22 (B) IT SUBMITS A COPY OF THE APPROVED EXCLUSION OR EXEMPTION
23 TO THE DEPARTMENT.

24 (C) IT MEETS ALL OF THE REQUIREMENTS OF THE APPROVED EXCLUSION
25 OR EXEMPTION FOR ITS ACTIVITIES WITHIN THE STATE.

26 (3) SUBSECTIONS (1) AND (2) DO NOT APPLY IF THE USE OF THE
27 MERCURY-ADDED PRODUCT IS REQUIRED BY A FEDERAL STATUTE OR

1 REGULATION.

2 (4) THE DEPARTMENT MAY GRANT AN EXEMPTION FROM SUBSECTION (1)
3 OR (2).

4 (5) THE DEPARTMENT SHALL DEVELOP A FORM OR FORMS TO BE USED BY
5 A MANUFACTURER APPLYING FOR AN EXEMPTION UNDER SUBSECTION (4) OR
6 FOR A RENEWAL OF AN EXEMPTION UNDER SUBSECTION (6). THE DEPARTMENT
7 MAY ONLY GRANT AN EXEMPTION UNDER SUBSECTION (4) OR A RENEWAL UNDER
8 SUBSECTION (6) IF THE DEPARTMENT FINDS THAT ALL OF THE FOLLOWING
9 REQUIREMENTS ARE MET WHEN THE APPLICATION FOR EXEMPTION OR RENEWAL
10 IS SUBMITTED:

11 (A) THERE IS NO COMPARABLE PRODUCT THAT DOES NOT CONTAIN
12 MERCURY OR A MERCURY COMPOUND AVAILABLE AT A REASONABLE COST.

13 (B) THE MANUFACTURER OR AN INDUSTRY OR TRADE ASSOCIATION OF
14 MANUFACTURERS HAS IN PLACE A TAKE-BACK PROGRAM FOR ALL OF THAT
15 MANUFACTURER'S MERCURY-ADDED PRODUCTS SOLD IN THIS STATE. THE TAKE-
16 BACK PROGRAM SHALL BE AVAILABLE ON A REGULAR BASIS TO ALL USERS OF
17 THAT MANUFACTURER'S MERCURY-ADDED PRODUCTS. THE MANUFACTURER SHALL
18 SUBMIT VERIFIABLE DOCUMENTATION OF THE PROGRAM WITH THE APPLICATION
19 FOR EXEMPTION.

20 (C) EITHER OR BOTH OF THE FOLLOWING:

21 (i) USE OF THE PRODUCT BENEFITS THE ENVIRONMENT OR PROTECTS
22 PUBLIC HEALTH OR PUBLIC SAFETY.

23 (ii) THERE IS NO TECHNICALLY FEASIBLE ALTERNATIVE TO THE USE OF
24 MERCURY OR A MERCURY COMPOUND IN THE PRODUCT.

25 (6) THE DEPARTMENT SHALL NOT GRANT AN EXEMPTION UNDER
26 SUBSECTION (4) FOR A PERIOD OF MORE THAN 3 YEARS. A MANUFACTURER
27 MAY APPLY FOR AND THE DEPARTMENT MAY GRANT 1 OR MORE RENEWALS OF AN

1 EXEMPTION. THE DEPARTMENT SHALL NOT GRANT A RENEWAL OF AN EXEMPTION
2 FOR A PERIOD OF MORE THAN 3 YEARS.

3 (7) THE DEPARTMENT SHALL MAKE A LIST OF EACH MERCURY-ADDED
4 PRODUCT THAT IS EXEMPT FROM SUBSECTION (1) OR (2) AVAILABLE TO THE
5 PUBLIC ON THE DEPARTMENT'S INTERNET WEBSITE.

6 SEC. 17215. THE DEPARTMENT SHALL JOIN THE INTERSTATE MERCURY
7 EDUCATION AND REDUCTION CLEARINGHOUSE TO FACILITATE ADMINISTRATION
8 OF THIS PART.

9 SEC. 17217. THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT
10 THIS PART PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
11 1969 PA 306, MCL 24.201 TO 24.328.

12 Enacting section 1. This amendatory act does not take effect
13 unless House Bill No. 4278 of the 95th Legislature is enacted into
14 law.