

HOUSE BILL NO. 4849

August 28, 2019, Introduced by Reps. Cynthia Johnson, Hammoud, Tyrone Carter, Manoogian, Shannon, Koleszar, Pohutsky, Clemente, Kennedy, Brenda Carter, Whitsett, Brixie, Camilleri, Garza, Robinson, Rabhi, Wittenberg, Sabo, Hood and Pagan and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 5543.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 **Sec. 5543. (1) As used in this section:**
2 (a) "AQI" means the air quality index required to be reported
3 under 40 CFR 58.50.
4 (b) "PM 2.5" means particles with an aerodynamic diameter of



1 less than or equal to a nominal 2.5 micrometers.

2 (c) "Thermal inversion" means a weather condition in which a
3 layer of warm air overlies a layer of cooler air near the ground
4 and limits vertical mixing, thereby trapping pollutants near the
5 ground.

6 (2) The department shall make forecasts of the AQI and
7 publicize the forecasts on its website and through other means. The
8 forecasts shall be made at least 24 hours in advance using the most
9 accurate and reasonable procedures considering meteorology,
10 topography, availability of data, and forecasting expertise.

11 (3) The department shall do both of the following:

12 (a) Declare 1 or more action days for a geographic area of
13 this state when, as determined by the department's AQI reporting
14 and forecasting program, the department expects in that geographic
15 area an air quality index or a PM 2.5 subindex in the moderate
16 category, or worse.

17 (b) Designate an action day as a "winter thermal inversion
18 action day" if the action day is the result of a thermal inversion
19 anytime during the period of November through March.

20 (4) Within 180 days after the effective date of the amendatory
21 act that added this section, the department shall review its AQI
22 reporting and forecasting program and, if indicated by the review,
23 do 1 or more of the following:

24 (a) Revise the ozone or PM 2.5 standards to account for
25 thermal inversions when declaring action days.

26 (b) Revise voluntary pollution prevention measures requested
27 on action days or when action days are forecast.

28 (c) Further restrict industry emissions of PM 2.5 or industry
29 emissions contributing to ozone when the department forecasts a



1 thermal inversion.

2 (5) The director of the department shall convene a workgroup
3 to study thermal inversions and recommend any actions that should
4 be taken by this state to improve air quality and protect public
5 health during thermal inversions. The workgroup shall include 1 or
6 more public health experts, air quality experts, representatives of
7 environmental protection organizations, and residents of geographic
8 areas of this state with higher than average levels of air
9 pollution. Within 1 year after the effective date of the amendatory
10 act that added this section, the workgroup shall submit a report on
11 its findings and recommendations to the director of the department
12 and to the standing committees of the senate and house of
13 representatives with primary responsibility for environmental and
14 public health issues. The workgroup is dissolved 90 days after the
15 report is due.

16 Enacting section 1. This amendatory act takes effect 90 days
17 after the date it is enacted into law.

