

Act No. 562  
Public Acts of 2004  
Approved by the Governor  
January 3, 2005  
Filed with the Secretary of State  
January 3, 2005  
EFFECTIVE DATE: January 3, 2005

**STATE OF MICHIGAN  
92ND LEGISLATURE  
REGULAR SESSION OF 2004**

Introduced by Reps. Kolb, Law and Zelenko

**ENROLLED HOUSE BILL No. 4406**

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 14701, 14702, 14703, and 14705 (MCL 324.14701, 324.14702, 324.14703, and 324.14705) and by amending the part heading for part 147 and by adding sections 14722 and 14725.

*The People of the State of Michigan enact:*

PART 147 CHEMICAL SUBSTANCES  
SUBPART 1 PCB COMPOUNDS

Sec. 14701. As used in this subpart:

(a) "Department" means the department of environmental quality.

(b) "PCB" means the class of chlorinated biphenyl, terphenyl, higher polyphenyl, or mixtures of these compounds produced by replacing 2 or more hydrogen atoms on the biphenyl, terphenyl, or higher polyphenyl molecule with chlorine atoms. PCB does not include chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures of these compounds that have functional groups attached other than chlorine unless that functional group on the chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures of these compounds is determined to be dangerous to the public health, safety, and welfare under section 14703.

(c) "Ppm" means parts per million.

Sec. 14702. The department is responsible for the administration and implementation of this subpart to protect the public health, safety, and welfare from the toxic effects and environmental dangers of PCB. The department shall promulgate rules to implement and administer this subpart.

Sec. 14703. After receiving a recommendation by affirmative majority vote of a special committee consisting of a representative of the department, the director of labor and economic growth, and the director of the department of community health, the department shall by rule determine, within the concentrations prescribed by this subpart, whether the chlorinated biphenyls, terphenyls, higher polyphenyls, or mixtures of these compounds named in the recommendation and having certain functional groups in addition to chlorine attached to the molecule constitute a sufficient danger to the public health, safety, and welfare as to be regulated as a PCB by this subpart.

Sec. 14705. A person who violates this subpart or a rule promulgated under 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 or a rule promulgated under this subpart continues shall be considered a separate violation.

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:

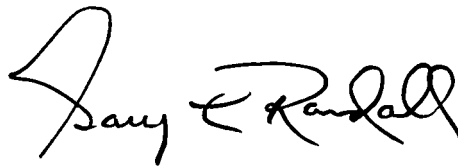
(a) Original equipment manufacturer replacement parts.

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

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.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 1458 of the 92nd Legislature is enacted into law.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives



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Secretary of the Senate

Approved .....

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Governor