

HOUSE BILL No. 4280

February 17, 2009, Introduced by Reps. Ebli, Liss, Byrnes, Miller, Scripps, Smith, Switalski, Roberts and Lisa Brown and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding section 17211.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17211. (1) BEGINNING JANUARY 1, 2010, A PERSON WHO SELLS,
2 DISTRIBUTES, OR OTHERWISE PROVIDES BY ANY MEANS ELEMENTAL MERCURY
3 TO A PERSON IN THIS STATE SHALL PROVIDE WITH THE ELEMENTAL MERCURY
4 A MATERIAL SAFETY DATA SHEET, AS DEFINED IN 42 USC 11049. AT THE
5 TIME OF RECEIPT OF THE ELEMENTAL MERCURY, THE RECIPIENT SHALL SIGN
6 A STATEMENT INDICATING AGREEMENT WITH ALL OF THE FOLLOWING:

7 (A) THE RECIPIENT WILL USE THE MERCURY ONLY FOR MEDICAL,
8 DENTAL, RESEARCH, OR MANUFACTURING PURPOSES.

1 (B) THE RECIPIENT UNDERSTANDS THAT MERCURY IS TOXIC AND WILL
2 STORE AND USE THE MERCURY APPROPRIATELY SO THAT NO PERSON IS
3 EXPOSED TO UNDUE RISK FROM THE MERCURY. FOR THE PURPOSES OF THIS
4 SUBDIVISION, PLACEMENT OF A MERCURY AMALGAM AS AN ACCEPTED DENTAL
5 PRACTICE IS NOT CONSIDERED TO EXPOSE A PERSON TO UNDUE RISK FROM
6 MERCURY.

7 (C) THE RECIPIENT WILL NOT PLACE THE MERCURY OR CAUSE THE
8 MERCURY TO BE PLACED FOR DISPOSAL OR ALLOW ANYONE UNDER THE CONTROL
9 OF THE RECIPIENT TO PLACE THE MERCURY OR CAUSE THE MERCURY TO BE
10 PLACED FOR DISPOSAL IN EITHER OF THE FOLLOWING:

11 (i) SOLID WASTE.

12 (ii) A WASTEWATER TREATMENT AND DISPOSAL SYSTEM. THIS
13 SUBPARAGRAPH DOES NOT APPLY TO A DENTAL PRACTICE IF MERCURY AMALGAM
14 WASTE GENERATED AT THE PRACTICE IS COLLECTED AND RECYCLED IN
15 COMPLIANCE WITH SECTION 16631 AND RULES PROMULGATED THEREUNDER.

16 (2) A RECIPIENT OF ELEMENTAL MERCURY WHO IS REQUIRED TO SIGN
17 THE STATEMENT UNDER SUBSECTION (1) SHALL RETAIN A COPY OF THE
18 STATEMENT FOR A PERIOD OF NOT LESS THAN 3 YEARS AND SHALL MAKE THAT
19 STATEMENT AVAILABLE TO A REPRESENTATIVE OF THE STATE, A LOCAL UNIT
20 OF GOVERNMENT, OR A MUNICIPAL WASTEWATER TREATMENT PLANT UPON
21 REQUEST.

22 (3) PLACEMENT OF A MERCURY AMALGAM AS AN ACCEPTED DENTAL
23 PRACTICE IS NOT CONSIDERED TO BE THE SALE, DISTRIBUTION, OR OTHER
24 PROVISION OF ELEMENTAL MERCURY FOR THE PURPOSES OF SUBSECTION (1)
25 OR (2).