



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4297 (Substitute S-1 as reported)
 House Bill 4318 (Substitute S-1 as reported)
 Sponsor: Representative Alvin H. Kukuk
 House Committee: Agriculture and Forestry
 Senate Committee: Agriculture and Forestry

Date Completed: 5-9-95

RATIONALE

Last summer, decaying masses of aquatic vegetation were strewn along the shorelines of Lake St. Clair in Harrison Township and St. Clair Shores, causing the beaches to be closed for some time. The buildup of organic matter is believed to have been caused by an influx of zebra mussels, which cleared the lake of algae that helped diffuse and reduce the amount of sunlight penetrating the lake. The additional sunlight stimulated the growth of seaweed and aquatic plants, which eventually were loosened from the lake floor and were washed ashore. Some people believe that this kind of organic material could have agricultural uses, and that persons using aquatic plants in this manner should not have to obtain a solid waste management plan, permit, or license.

In addition, Public Act 102 of 1993 amended the Solid Waste Management Act to permit by-products from fruit, vegetable, and sugar beet processing to be applied on farmland or used as animal feed without a management plan, permit, or license, if this use complies with generally accepted agricultural and management practices under the Michigan Right to Farm Act. Some people believe that these provisions should be included in the Natural Resources and Environmental Protection Act, which is a recodification of various State environmental laws including the Solid Waste Management Act.

CONTENT

House Bill 4297 would amend the Natural Resources and Environmental Protection Act to exclude from the definition of "hazardous substance" fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that were applied to the land for an agricultural use or

for use as an animal feed, if the use were consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act. In addition, the application of fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants would not be considered a "release" under the Act, if they were applied according to label directions and generally accepted agricultural and management practices. The bill also specifies that a release would not include fruits, vegetables, field crop processing by-products, or aquatic weeds that were applied to the land for an agricultural use or for use as an animal feed, if the use were consistent with generally accepted agricultural and management practices developed pursuant to the Michigan Right to Farm Act.

House Bill 4318 would amend the Natural Resources and Environmental Protection Act to permit the application on farmland, or the use as animal feed, of aquatic plants as well as a residual from fruits, vegetables, sugar beets, or field crops without a solid waste management plan, permit, or license. The application of a residual, aquatic plants, and lime from kraft (paper) pulping processes generated prior to bleaching for an agricultural or silvicultural purpose, or use as animal feed would have to occur in a manner that prevented losses from runoff and leaching, and if applied to the land, the land application would have to be at an agronomic rate consistent with generally accepted agricultural and management practices under the Michigan Right to Farm Act. Currently, a by-product from the processing of fruits, vegetables, sugar beets, field crops, or lime from kraft pulping processes generated prior to bleaching may be applied on farmland or used as animal feed without a solid waste management plan, permit, or license. The application of a by-

product or compost to land or for use as animal feed currently must occur in a manner that prevents runoff and leaching and, if applied to land, must be consistent with agricultural and management practices under the Michigan Right to Farm Act.

MCL 324.20101 (H.B. 4297)
324.11506 (H.B. 4318)

SENATE COMMITTEE ACTION

The Senate Committee on Agriculture and Forestry adopted substitutes (S-1) to House Bill 4297 (H-2) and House Bill 4318 (H-2) that specify that a release would not include certain agricultural by-products and aquatic plants; their application on the land or use as animal feed would have to be consistent with agricultural and management practices under the Michigan Right to Farm Act; and their use would have to occur in a way to prevent losses from runoff and leaching.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Certain crop by-products as well as aquatic plants, which have uses that could benefit agriculture, are not used regularly because they are subject to solid waste management regulations. The bills would permit fruit, vegetable, or field crop residuals or processing by-products and aquatic plants to be used for agricultural purposes or animal feed without the persons' using these materials having to obtain a management plan, permit or license as long as these uses complied with generally accepted agricultural and management practices under the Michigan Right to Farm Act. Thus, seaweed that washed up on the shores of Lake St. Clair last summer, for example, could be used as an agricultural fertilizer, instead of merely being disposed of in a landfill.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: G. Cutler

H9596\S4297 (S-1) & 4318 (S-1)A

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.