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BILL ANALYSIS

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House Bill 4406 (Substitute S-1 as reported)  
Sponsor: Representative Chris Kolb  
House Committee: Land Use and Environment  
Senate Committee: Natural Resources and Environmental Affairs

### **CONTENT**

The bill would amend the Natural Resources and Environmental Protection Act to prohibit a person from manufacturing, processing, or distributing a product or material containing more than 0.1% of penta-BDE, beginning June 1, 2006. A violation would be a misdemeanor punishable by a fine of at least \$2,500 but not more than \$25,000. Each day that a violation continued would be considered a separate violation.

The prohibition would not apply to 1) original equipment manufacturer replacement parts; or 2) the processing of recyclables containing penta-BDE in compliance with applicable Federal, State, and local law.

The bill is tie-barred to Senate Bill 1458. Senate Bill 1458 (S-2), as passed by the Senate, would prohibit a person from manufacturing, processing, or distributing a product or material containing more than 0.1% of octa-BDE, beginning June 1, 2006; allow the Department of Environmental Quality (DEQ) to establish a PBDE advisory committee to assist the DEQ in determining the risk posed by the release of PBDEs, other than penta- or octa-BDE, to human health and the environment; require the advisory committee to inform the DEQ if new scientific evidence indicated a significant risk to human health and the environment in the State; and require the DEQ, if it concurred, to inform the Legislature.

The Senate bill would define "PBDE" as pentabromodiphenyl ether. "Penta-BDE" would mean pentabromodiphenyl ether, and "octa-BDE" would mean octabromodiphenyl ether. (These substances are the most common class of brominated fire retardants, which are used primarily in plastics and textile coatings—for furniture, upholstery, automobiles, foam-based packaging, and computer and business equipment housing.)

MCL 324.14701 et al.

Legislative Analyst: Suzanne Lowe

### **FISCAL IMPACT**

The proposed misdemeanor could result in an indeterminate amount of additional penal fine revenue. The revenue would benefit public libraries.

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Fiscal Analyst: Bethany Wicksall