

# HOUSE BILL No. 5155

September 13, 2005, Introduced by Reps. Anderson, Lipsey, Alma Smith, Kehrl, Brandenburg, Clack, Condino, Kolb, Murphy, Farrah, Gillard, Brown, Adamini, Plakas, Gleason, Leland, Meisner, Hood, Donigan and Bieda and referred to the Committee on Natural Resources, Great Lakes, Land Use, 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 17207.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 17207. (1) BEGINNING JANUARY 1, 2006, A MANUFACTURER**  
2           **SHALL NOT SELL A MERCURY-ADDED NOVELTY IN THIS STATE. BEGINNING**  
3           **JANUARY 1, 2008, A MANUFACTURER SHALL NOT SELL ANY OTHER MERCURY-**  
4           **ADDED PRODUCT IN THIS STATE UNLESS THE MANUFACTURER HAS APPLIED FOR**  
5           **AND RECEIVED AN EXEMPTION FROM THIS SUBSECTION FROM THE DIRECTOR**  
6           **UNDER THIS SECTION.**

7           **(2) THE DIRECTOR MAY GRANT A MANUFACTURER AN EXEMPTION FROM**  
8           **SUBSECTION (1) THAT ALLOWS THE MANUFACTURER TO SELL A MERCURY-ADDED**

1 PRODUCT THAT IS NOT A MERCURY-ADDED NOVELTY IN THIS STATE. THE  
2 DIRECTOR SHALL NOT GRANT A MANUFACTURER AN EXEMPTION FROM  
3 SUBSECTION (1) THAT ALLOWS THE MANUFACTURER TO SELL A MERCURY-ADDED  
4 NOVELTY.

5 (3) BEFORE GRANTING AN EXEMPTION UNDER SUBSECTION (2) OR A  
6 RENEWAL OF AN EXEMPTION UNDER SUBSECTION (4), THE DIRECTOR SHALL  
7 HOLD AT LEAST 1 PUBLIC HEARING ON THE PROPOSED EXEMPTION OR  
8 RENEWAL, PRECEDED BY A 60-DAY PUBLIC COMMENT PERIOD. THE DIRECTOR  
9 MAY ONLY GRANT AN EXEMPTION OR RENEWAL IF HE OR SHE FINDS THAT ALL  
10 OF THE FOLLOWING ARE MET AT THE TIME THE APPLICATION FOR EXEMPTION  
11 OR RENEWAL IS SUBMITTED:

12 (A) USE OF THE PRODUCT BENEFITS THE ENVIRONMENT OR PROTECTS  
13 PUBLIC HEALTH OR PUBLIC SAFETY.

14 (B) THERE IS NO TECHNICALLY FEASIBLE ALTERNATIVE TO THE USE OF  
15 MERCURY OR MERCURY COMPOUNDS IN THE PRODUCT.

16 (C) THERE IS NO COMPARABLE PRODUCT THAT DOES NOT CONTAIN  
17 MERCURY OR MERCURY COMPOUNDS AVAILABLE AT A REASONABLE COST.

18 (D) THE MANUFACTURER OR AN INDUSTRY OR TRADE ASSOCIATION OF  
19 MANUFACTURERS HAS IN PLACE A TAKE-BACK PROGRAM FOR ALL MERCURY-  
20 ADDED PRODUCTS SOLD IN THIS STATE THAT IS AVAILABLE TO ALL USERS OF  
21 MERCURY-ADDED PRODUCTS ON A REGULAR BASIS. THE MANUFACTURER SHALL  
22 SUBMIT VERIFIABLE DOCUMENTATION OF THE PROGRAM WITH THE APPLICATION  
23 FOR EXEMPTION.

24 (4) THE DIRECTOR SHALL NOT GRANT AN EXEMPTION UNDER SUBSECTION  
25 (1) FOR A PERIOD OF MORE THAN 2 YEARS. A MANUFACTURER MAY APPLY FOR  
26 AND THE DIRECTOR MAY GRANT 1 OR MORE RENEWALS OF AN EXEMPTION. THE  
27 DIRECTOR SHALL NOT GRANT A RENEWAL OF AN EXEMPTION FOR A PERIOD OF

1 MORE THAN 2 YEARS.

2 (5) THE DIRECTOR SHALL MAKE A LIST OF EACH MERCURY-ADDED  
3 PRODUCT THAT IS EXEMPT FROM SUBSECTION (1) AVAILABLE TO THE PUBLIC  
4 ON THE DEPARTMENT'S INTERNET WEBSITE.

5 Enacting section 1. This amendatory act does not take effect  
6 unless all of the following bills of the 93rd Legislature are  
7 enacted into law:

8 (a) Senate Bill No. 186 or House Bill No. 4058.

9 (b) Senate Bill No. 557 or House Bill No. 4948.