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Senate Bill 136 (as introduced 2-16-21)
Sponsor: Senator Rick Outman
Committee: Environmental Quality

Date Completed: 2-23-21

CONTENT

The bill would amend Part 83 (Pesticide Control) of the Natural Resources and Environmental Protection Act to do the following:

- **Require the Department of Agriculture and Rural Development (MDARD) to maintain a voluntary registry of individuals to be notified before the application of certain pesticides.**
- **Specify the conditions that would have to be met for notification purposes.**
- **Require the registry to contain a list of properties adjacent to a registered individual's primary residence.**
- **Prescribe the information that would have to be included on a notice.**
- **Require an individual to apply to be on the registry on an annual basis on a form and in a manner prescribed by MDARD.**

Currently, Part 83 requires MDARD to maintain a voluntary registry of individuals with a medically documented condition who wish to be notified before the application of a lawn or ornamental pesticide, other than a general-use ready-to-use pesticide, on a property adjacent to or within a physician-recommended distance from the property on which the individual's primary residence is located. The registry must contain a list of properties adjacent to or within a physician-recommended distance from the individual's primary residence. ("Physician-recommended distance" means a specified distance, not more than 100 feet from a linear boundary line, considered necessary and substantial by a physician.)

Under the bill, the Department also would have to maintain a voluntary registry of individuals who would have to be notified before the application of a lawn or ornamental pesticide, other than a general-use ready-to-use pesticide. This provision would apply only if both of the following conditions were met:

- The pesticide application was on or adjacent to the individual's property.
- There was a declared public health emergency that required the pesticide application.

The registry would have to contain a list of those properties adjacent to the individual's primary residence. The notification to an individual listed on the registry would have to meet both of the following requirements:

- Be provided by the means of contact specified in the registry at least 48 hours before the pesticide application.
- State that the pesticide was scheduled to be applied on or adjacent to one or more properties listed on the registry.

An individual who wished to be notified before a pesticide application would have to apply annually on a form and in a manner prescribed by MDARD. The individual would have to include on the form detailed and accurate information on the individual's property and a preferred means of contact for the notification.

Proposed MCL 324.8316c

Legislative Analyst: Dana Adams

FISCAL IMPACT

The bill would increase regulatory costs for the Department of Agriculture and Rural Development, including programmatic and technology costs, in order to create and maintain the proposed pesticide registry in an amount that cannot be determined at this time.

Fiscal Analyst: Bruce Baker

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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.