CHLOROFLUOROCARBON COMPOUNDS

Act 384 of 1976

AN ACT to protect the environment and human health; to regulate the distribution and sale of certain chlorofluorocarbon compounds and to provide for their prohibition in this state; to prescribe powers and duties of the department of public health; and to prescribe penalties.

History: 1976, Act 384, Eff. Mar. 31, 1977

The People of the State of Michigan enact:

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336.101 Definitions.

Sec. 1.

As used in this act:

(a) "Chlorofluorocarbon compound" means trichloromonofluoromethane ($CFCl_3$) (propellant 11), dichlorodifluoromethane (CF_2Cl_2) (propellant 12), or tetrafluorodichloroethane ($C_2F_4Cl_2$) (propellant 14).

(b) "Department" means the department of public health.

(c) "Nonhydrogenated" means containing no hydrogen.

(d) "Ozone" means an allotropic, triatomic form of oxygen, chemically described as O_3.

(e) "Restricted use chlorofluorocarbon compound" means a chlorofluorocarbon compound and those related nonhydrogenated chlorofluorocarbons with similar physical and chemical properties, which the department finds is likely to contribute to the depletion of the ozone layer and by virtue of this depletion creates a present or future risk of harmful effects to human beings or other forms of life.

History: 1976, Act 384, Eff. Mar. 31, 1977

336.102 Rules as to labeling of certain aerosol spray cans.

Sec. 2.

The department, not later than January 1, 1978, shall promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.315 of the Michigan Compiled Laws, requiring labeling of aerosol spray cans containing a restricted use, a chlorofluorocarbon compound distributed, sold, or offered or exposed for sale in this state. This section shall be in full force and effect until the federal government adopts and places into effect requirements for nationwide labeling of aerosol spray cans informing the public of the presence of a restricted use chlorofluorocarbon compound.

History: 1976, Act 384, Eff. Mar. 31, 1977

336.103 Rules as to distribution or sale of certain aerosol spray cans.

Sec. 3.

The department shall promulgate rules developed pursuant to section 4 prohibiting the distribution, sale, or offer or exposure for sale of aerosol spray cans containing a restricted use chlorofluorocarbon compound as of January 1, 1979, if the department affirmatively finds that the distribution, sale, or offer or exposure for sale of restricted

use chlorofluorocarbon compounds creates any significant environmental or public health hazard.

History: 1976, Act 384, Eff. Mar. 31, 1977

336.104 List of restricted use chlorofluorocarbon compounds; determination of exemptions; specific exemptions; rules generally.

Sec. 4.

(1) The department shall:

(a) After hearings, prepare a list of restricted use chlorofluorocarbon compounds, the distribution, sale, offer and exposure for sale of which in this state shall be restricted as determined pursuant to sections 2 and 3.

(b) Determine, after a hearing, whether any uses, including medical uses, of restricted use chlorofluorocarbon compounds are so necessary to human life that they should be exempted from the application of section 3.

(2) The following are specifically exempted from this act:

(a) An aerosol spray device containing a restricted use chlorofluorocarbon compound which contains 1 or more drugs as defined in section 4(6) of Act No. 196 of the Public Acts of 1971, being section 335.304 of the Michigan Compiled Laws, which is administered by a metered spray valve for the treatment of asthma or other respiratory diseases.

(b) An aerosol spray device containing a restricted use chlorofluorocarbon compound sold or manufactured for use as a prescription drug or in a surgical procedure.

(3) The department shall promulgate rules pursuant to Act No. 306 of the Public Acts of 1969, as amended, necessary to carry out and give full force and effect to this act.

History: 1976, Act 384, Eff. Mar. 31, 1977

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336.105 Petition for nationwide federal restrictions.

Sec. 5.

The department shall petition on behalf of the state, as soon as practicable, appropriate federal agencies to promulgate nationwide restrictions for aerosol spray cans containing chlorofluorocarbon compounds.

History: 1976, Act 384, Eff. Mar. 31, 1977

336.106 Report.

Sec. 6.

Not later than June 1, 1977, the department shall prepare and submit a comprehensive report to the governor and legislature on the status and progress of:

(a) Research and development to provide safe and effective substitutes for chlorofluorocarbon compounds in aerosol spray cans.

(b) Research concerning the extent of the danger to the public health and the environment posed by chlorofluorocarbon compounds including studies conducted by the national academy of sciences.

History: 1976, Act 384, Eff. Mar. 31, 1977

336.107 Noncompliance as misdemeanor; penalty; jurisdiction.

Sec. 7.

A person who fails to comply with a rule of the department made under this act is guilty of a misdemeanor and shall be fined not more than $10,000.00 and in the discretion of the court an additional amount of not more than $2,000.00 per day a violation continues. The circuit court of the county in which the violation occurred has exclusive jurisdiction.

History: 1976, Act 384, Eff. Mar. 31, 1977

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