

HOUSE BILL No. 5349

December 11, 1989, Introduced by Reps. Nye, Bryant, Gubow, London, Dolan, DeMars, Ciaramitaro, Crandall, Pitoniak, DeLange, Power, Randall, Brown and Bankes and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend the title and section 1 of Act No. 384 of the Public Acts of 1976, entitled

"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,"

being section 336.101 of the Michigan Compiled Laws; and to add sections 8, 9, 10, 11, 12, 13, and 14.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and section 1 of Act No. 384 of the
2 Public Acts of 1976, being section 336.101 of the Michigan
3 Compiled Laws, are amended and sections 8, 9, 10, 11, 12, 13, and
4 14 are added to read as follows:

TITLE

1
2 An act to protect the environment and human health; to regu-
3 late the distribution, ~~and~~ sale, AND USE of certain
4 ~~chlorofluorocarbon compounds~~ CHLOROFLUOROCARBONS and to provide
5 for their prohibition in this state; to prescribe THE powers and
6 duties of the department of public health; and to prescribe
7 penalties.

8 Sec. 1. As used in this act:

9 (A) "CFC" OR "CHLOROFLUOROCARBON" MEANS A MOLECULE CONSIST-
10 ING OF CARBON, CHLORINE, AND FLUORINE, AND WHICH MAY OR MAY NOT
11 INCLUDE HYDROGEN.

12 (B) ~~(a)~~ "Chlorofluorocarbon compound" means trichloromo-
13 nofluoromethane (CFCl_3) (propellant 11), dichlorodifluoromethane
14 (CF_2Cl_2) (propellant 12), or tetrafluorodichloroethane ($\text{C}_2\text{F}_4\text{Cl}_2$)
15 (propellant ~~14~~ 114).

16 (C) ~~(b)~~ "Department" means the department of public
17 health.

18 (D) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

19 (E) "MOTOR VEHICLE" MEANS THAT TERM AS IT IS DEFINED IN THE
20 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
21 BEING SECTIONS 257.1 TO 257.923 OF THE MICHIGAN COMPILED LAWS.

22 (F) ~~(c)~~ "Nonhydrogenated" means containing no hydrogen.

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

25 (H) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
26 ASSOCIATION, GOVERNMENTAL ENTITY, OR ANY OTHER ENTITY.

1 (I) ~~(e)~~ "Restricted use chlorofluorocarbon compound" means
2 a chlorofluorocarbon compound and those related nonhydrogenated
3 chlorofluorocarbons with similar physical and chemical proper-
4 ties, which the department finds is likely to contribute to the
5 depletion of the ozone layer and by virtue of this depletion cre-
6 ates a present or future risk of harmful effects to human beings
7 or other forms of life.

8 (J) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE ADMINIS-
9 TRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF
10 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED
11 LAWS.

12 SEC. 8. (1) AFTER JANUARY 1, 1992, A PERSON SHALL NOT PER-
13 FORM SERVICE FOR COMPENSATION ON MOTOR VEHICLE AIR CONDITIONERS,
14 UNLESS THAT PERSON USES EQUIPMENT THAT IS CERTIFIED BY THE
15 DEPARTMENT OR AN INSTITUTION DETERMINED BY THE DIRECTOR AS MEET-
16 ING THE SOCIETY OF AUTOMOTIVE ENGINEERS STANDARD APPLICABLE TO
17 EQUIPMENT FOR THE EXTRACTION AND RECLAMATION OF REFRIGERANT FROM
18 MOTOR VEHICLE AIR CONDITIONERS.

19 (2) THE DIRECTOR, BY RULE, SHALL ESTABLISH A PHASED SCHEDULE
20 FOR THE ACQUISITION OF EQUIPMENT CERTIFIED UNDER SUBSECTION (1)
21 BY ESTABLISHMENTS THAT REPAIR MOTOR VEHICLES. THIS SCHEDULE
22 SHALL REQUIRE EARLY ACQUISITION BY HIGH VOLUME ESTABLISHMENTS AND
23 SUBSEQUENT ACQUISITION BY LOWER VOLUME ESTABLISHMENTS. HOWEVER,
24 ALL ESTABLISHMENTS THAT ELECT TO CONTINUE TO SERVICE MOTOR VEHI-
25 CLE AIR-CONDITIONING SHALL HAVE THAT EQUIPMENT IN USE BY
26 JANUARY 1, 1992. THE DIRECTOR, BY RULE, SHALL REQUIRE THESE

1 ESTABLISHMENTS TO DOCUMENT MOTOR VEHICLES REPAIRED AND CFC'S
2 PURCHASED.

3 SEC. 9. (1) AFTER JANUARY 1, 1991, A PERSON SHALL NOT SELL
4 A CFC COOLANT IN A CONTAINER SMALLER THAN 15 POUNDS, UNLESS THE
5 CONTAINER BEARS A WARNING LABEL INDICATING THE PRODUCT'S DANGER
6 TO OZONE IN THE STRATOSPHERE. AFTER JANUARY 1, 1992, A PERSON
7 SHALL NOT SELL OR OFFER FOR SALE IN THIS STATE EITHER OF THE
8 FOLLOWING:

9 (A) CFC COOLANT, SUITABLE FOR USE IN MOTOR VEHICLE AIR CON-
10 DITIONERS, FOR NONCOMMERCIAL OR NONINDUSTRIAL USAGE.

11 (B) CFC COOLANT, SUITABLE FOR USE IN MOTOR VEHICLE AIR CON-
12 DITIONERS, IN CONTAINERS SMALLER THAN 15 POUNDS.

13 SEC. 10. THE DIRECTOR, BY JANUARY 15, 1993, SHALL REPORT TO
14 THE LEGISLATURE WITH REGARD TO THE CONDITION OF THE STRATOSPHERIC
15 OZONE LAYER AND THE LATEST INFORMATION AS TO THE CAUSES OF THAT
16 CONDITION. THE REPORT ALSO SHALL ADDRESS THE PROGRESS BEING MADE
17 BY MANUFACTURERS OF MOTOR VEHICLES THAT ARE COMMONLY SOLD OR REG-
18 ISTERED IN THIS STATE IN DEVELOPING AND COMPLETING PRODUCTION OF
19 MOTOR VEHICLES THAT HAVE AIR-CONDITIONING THAT USE REFRIGERANTS
20 OTHER THAN CFC'S. THIS REPORT SHALL INCLUDE ANY RECOMMENDATIONS
21 DETERMINED TO BE APPROPRIATE BY THE DIRECTOR.

22 SEC. 11. (1) AFTER JANUARY 1, 1991, A PERSON SHALL NOT SELL
23 OR OFFER TO SELL FIRE EXTINGUISHERS FOR NONCOMMERCIAL OR NONIN-
24 DUSTRIAL USAGE, IF THOSE FIRE EXTINGUISHERS CONTAIN HALONS OR
25 OTHER OZONE-DEPLETING SUBSTANCES AS IDENTIFIED BY RULE OF THE
26 DIRECTOR. HOWEVER, SALES TO FIRE DEPARTMENTS FOR THEIR OWN USE
27 ARE NOT PROHIBITED.

1 (2) AFTER JANUARY 1, 1991, A PERSON SHALL NOT SELL OR OFFER
2 TO SELL IN THIS STATE ANY OF THE FOLLOWING:

3 (A) CFC CLEANING SPRAYS FOR NONCOMMERCIAL OR NONINDUSTRIAL
4 USAGE IN CLEANING ELECTRONIC AND PHOTOGRAPHIC EQUIPMENT.

5 (B) CFC PROPELLED PLASTIC PARTY STREAMERS.

6 (C) CFC NOISE HORNS.

7 (3) THE DIRECTOR, BY RULE SUBMITTED TO THE JOINT COMMITTEE
8 ON ADMINISTRATIVE RULES NO EARLIER THAN MARCH 1, 1991, MAY
9 REQUIRE THE USAGE OF EQUIPMENT THAT MEETS STANDARDS ESTABLISHED
10 BY AN INSTITUTION DETERMINED BY THE DIRECTOR FOR RECOVERY AND
11 RECYCLING OF CFC COOLANT DURING THE SERVICING OF BUILDING
12 AIR-CONDITIONING AND OF LARGE REFRIGERATION UNITS, IF THE DIREC-
13 TOR FINDS THAT EQUIPMENT TO BE PORTABLE AND SUITABLE FOR THOSE
14 PURPOSES.

15 SEC. 12. (1) BY JANUARY 15, 1991, THE DIRECTOR SHALL REPORT
16 TO THE COMMITTEES OF THE LEGISLATURE HANDLING ENVIRONMENTAL AND
17 NATURAL RESOURCE MATTERS ON ALL OF THE FOLLOWING:

18 (A) AN ANALYSIS OF THE USES WITHIN THE STATE OF
19 OZONE-DEPLETING CHEMICALS.

20 (B) THE ADVANTAGES AND DISADVANTAGES OF ALTERNATIVES TO
21 OZONE-DEPLETING CHEMICALS, BOTH IN TERMS OF IMPACTS ON THE OZONE
22 AND IN TERMS OF OTHER HEALTH AND ENVIRONMENTAL IMPACTS.

23 (C) OPPORTUNITIES FOR RECOVERY AND RECYCLING OF THESE
24 CHEMICALS.

25 (D) ANY RULES PROPOSED UNDER SECTION 11(3).

26 (E) ANY APPROPRIATE RECOMMENDATIONS FOR ACTION BY THE
27 STATE.

1 (2) THE DIRECTOR, BY JANUARY 15, 1992, SHALL REPORT TO THE
2 COMMITTEES OF THE LEGISLATURE HANDLING ENVIRONMENTAL AND NATURAL
3 RESOURCE MATTERS WITH RECOMMENDATIONS FOR THE SYSTEMATIC RETRIEV-
4 AL, STORAGE, AND APPROPRIATE REUSE OF CFC'S FROM REFRIGERATORS,
5 AIR CONDITIONERS, AND MOTOR VEHICLES THAT FACE IMMEDIATE
6 DISPOSAL. THIS REPORT SHALL CONSIDER, BUT SHALL NOT BE LIMITED
7 TO CONSIDERING, REGIONAL CFC REMOVAL CENTERS, CIRCUIT RIDING CFC
8 REMOVAL EQUIPMENT, OR OTHER APPROPRIATE PROCEDURES OR EQUIPMENT.

9 SEC. 13. THE GOVERNOR SHALL NEGOTIATE WITH OTHER INTERESTED
10 STATES TO ATTEMPT TO DEVELOP COOPERATIVE AGREEMENTS TO WORK
11 TOWARD THE EARLY ELIMINATION OF OZONE-DEPLETING CHEMICALS.

12 SEC. 14. THE DIRECTOR SHALL WORK WITH RETAILERS IN THE
13 STATE, AUTOMOTIVE BUSINESS ORGANIZATIONS, AND OTHER INTERESTED
14 ORGANIZATIONS TO PUBLICIZE THE PROVISIONS OF THIS ACT.