



**House
Legislative
Analysis
Section**

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DESTROYING TOXIC SUBSTANCE WARNING SIGNS

Senate Bills 2 and 3 with committee amendments
First Analysis (10-13-87)

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Sponsor: Senator Doug Carl

House Committee: Conservation & Environment

Senate Committee: Natural Resources and
Environmental Affairs

Mich. State Law Library

THE APPARENT PROBLEM:

Michigan hazardous waste and environmental contamination sites are identified by signs that serve as a warning to the public of the presence of hazardous substances. The signs designate the boundaries of hazardous waste treatment, storage, or disposal facilities and environmental contamination sites. Reportedly, many of these signs have been disappearing on Sunday mornings, in some areas, just before certain real estate companies have "open houses." The theft or destruction of these signs can lead to the creation of a potentially harmful situation for persons who might enter a toxic area.

Under current law, a person who removes or destroys signs or boundary markers is guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than \$100, or both. However, the amount of the fine appears to be too low to provide an incentive for people to leave them alone. Thus, the law should be amended to increase the amount of the fine.

THE CONTENT OF THE BILL:

Senate Bill 2 would amend the Environmental Response Act, and Senate Bill 3 would amend the Hazardous Waste Management Act, to provide that a person who willfully tore down, removed, or destroyed any sign or notice that warned of the presence of hazardous substances or marked the boundaries of an environmental contamination site subject to "response activity", or a hazardous waste treatment, storage, or disposal facility, would be guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than \$500, or both. ("Response activity" refers to an activity necessary to protect the public or the environment.) The bills are tie-barred and would take effect January 1, 1988.

MCL 299.608a (Senate Bill 2) and 299.547a (Senate Bill 3)

HOUSE COMMITTEE ACTION:

The House Conservation and Environment Committee adopted amendments to change the effective date of the bills from July 7, 1987 to January 1, 1988.

FISCAL IMPLICATIONS:

The House Fiscal Agency reports the bills would have minimal fiscal implications for the state. (10-12-87)

ARGUMENTS:

For:

Current law requires that warning signs be placed around a hazardous waste or environmental contamination site to protect unknowing entrants from exposure to hazardous material. Notices of site boundary markers must remain intact to protect the public. Because the Environmental Response Act and Hazardous Waste Management Act do

not contain a penalty for removing or destroying warning signs, the offense is punishable under the more generic provisions of the Michigan Penal Code that make it a misdemeanor to remove or destroy boundary markers and other signs. By amending the hazardous waste and environmental contamination site statutes to provide a specific, higher penalty for the removal of warning signs the bill would discourage unlawful activity, encourage the prosecution of these offenses and improve security at the sites.

Further, limiting the penalty to a maximum of \$500 and 90 days will allow the violation to continue being classified as a "minor offense". This would expedite the enforcement because law enforcement officers may issue appearance tickets at the site of the infraction and avoid having to take the violator before a magistrate.

POSITIONS:

The Department of Natural Resources supports the bills. (10-12-87)

The Michigan Environmental Council supports the bill. (10-12-87)

S.B. 2 & 3 (10-13-87)