

HOUSE BILL No. 4052

January 25, 2001, Introduced by Reps. Kolb and Lipsey and referred to the Committee on Regulatory Reform.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
(MCL 324.101 to 324.90106) by adding chapter 9 to article II.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 CHAPTER 9: HEALTH

2 PART 221 RISK STANDARDS

3 SEC. 22101. AS USED IN THIS PART:

4 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
5 QUALITY.

6 (B) "RELEASE" INCLUDES, BUT IS NOT LIMITED TO, ANY SPILLING,
7 LEAKING, PUMPING, POURING, EMITTING, EMPTYING, DISCHARGING,
8 INJECTING, ESCAPING, LEACHING, DUMPING, OR DISPOSING OF A HAZARD-
9 OUS AND TOXIC COMPOUND INTO THE ENVIRONMENT, OR THE ABANDONMENT
10 OR DISCARDING OF BARRELS, CONTAINERS, AND OTHER CLOSED
11 RECEPTACLES CONTAINING A HAZARDOUS OR TOXIC COMPOUND. RELEASE

1 DOES NOT INCLUDE A RELEASE THAT RESULTS IN EXPOSURE TO PERSONS
2 SOLELY WITHIN A WORKPLACE, WITH RESPECT TO A CLAIM THAT THESE
3 PERSONS MAY ASSERT AGAINST THEIR EMPLOYERS.

4 (C) "RISK STANDARD" MEANS A STANDARD ESTABLISHED BY THE
5 DEPARTMENT UNDER THIS ACT TO DETERMINE POTENTIAL THREATS TO THE
6 PUBLIC HEALTH OR THE ENVIRONMENT POSED BY RELEASES.

7 SEC. 22102. (1) THE DEPARTMENT SHALL REVIEW EACH OF ITS
8 RISK STANDARDS AND DETERMINE BOTH OF THE FOLLOWING:

9 (A) WHETHER THE RISK STANDARD TAKES INTO ACCOUNT AND IS ABLE
10 TO IDENTIFY ANY DIFFERENT RISKS TO DEVELOPING HUMAN FETUSES, MALE
11 CHILDREN, FEMALE CHILDREN, MALE ADULTS, AND FEMALE ADULTS POSED
12 BY RELEASES, SO AS TO PROTECT THE HEALTH OF EACH WITH A MARGIN OF
13 SAFETY.

14 (B) WHETHER THE RISK STANDARD EVALUATES EACH OF THE FOLLOW-
15 ING SPECIFIC RISKS ADEQUATELY TO PROTECT HEALTH WITH A MARGIN OF
16 SAFETY:

17 (i) ADVERSE REPRODUCTIVE OUTCOMES.

18 (ii) RESPIRATORY DISEASE.

19 (iii) IMMUNOLOGIC SUPPRESSION.

20 (iv) CANCER.

21 (v) NEUROLOGICAL DEVELOPMENT.

22 (vi) ENDOCRINAL (HORMONAL) FUNCTIONING.

23 (vii) GENERAL FETAL AND CHILD DEVELOPMENT.

24 (viii) ANY OTHER IMPORTANT HEALTH OUTCOMES IDENTIFIED BY THE
25 DEPARTMENT.

26 (2) IF THE DEPARTMENT DETERMINES THAT A RISK STANDARD DOES
27 NOT SATISFY THE REQUIREMENTS OF SUBSECTION (1), THE DEPARTMENT

1 SHALL ESTABLISH A NEW RISK STANDARD THAT SATISFIES THE
2 REQUIREMENTS OF SUBSECTION (1). THE NEW RISK STANDARD SHALL TAKE
3 EFFECT NO LATER THAN JANUARY 1, 2003.

4 (3) IF THE DEPARTMENT IS UNABLE TO DETERMINE WHETHER A RISK
5 STANDARD SATISFIES THE REQUIREMENTS OF SUBSECTION (1), THE
6 DEPARTMENT SHALL IDENTIFY METHODS TO MINIMIZE OR PREVENT EXPOSURE
7 TO THE HAZARDOUS OR TOXIC COMPOUND.

8 (4) IF, BASED ON EXISTING RESEARCH, THE DEPARTMENT IS UNABLE
9 TO DETERMINE WHETHER A RISK STANDARD SATISFIES THE REQUIREMENTS
10 OF SUBSECTION (1)(A) WITH RESPECT TO MALE CHILDREN OR FEMALE
11 CHILDREN OR SUBSECTION (1)(B)(vii) WITH RESPECT TO CHILD DEVELOP-
12 MENT, THE DEPARTMENT SHALL IDENTIFY AND PROPOSE ADDITIONAL
13 RESEARCH NECESSARY FOR THE DEPARTMENT TO MAKE THE DETERMINATION.

14 (5) WHEN CARRYING OUT ITS RESPONSIBILITIES UNDER THIS PART,
15 THE DEPARTMENT SHALL TAKE INTO CONSIDERATION THE WORK OF THE TASK
16 FORCE ON ENVIRONMENTAL HEALTH RISKS AND SAFETY RISKS TO CHILDREN
17 ESTABLISHED UNDER EXECUTIVE ORDER NO. 13045, 62 F.R. 19885
18 (1997).

19 Enacting section 1. This amendatory act takes effect
20 January 1, 2002.