



SENATE BILL No. 24

January 13, 1993, Introduced by Senator EHLERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to regulate the use of certain toxic constituents in packaging; to prescribe the powers and duties of certain state agencies and officials; and to provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "toxic packaging control act".

3 Sec. 2. As used in this act:

4 (a) "Package" means a container providing a means of market-
5 ing, protecting, or handling a product and includes a unit pack-
6 age, an intermediate package, and a shipping container as defined
7 in ASTM D996. Package includes unsealed receptacles, including,
8 but not limited to, carrying cases, crates, cups, pails, rigid
9 foil and other trays, wrappers and wrapping films, bags, and
10 tubs.

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1 (b) "Packaging component" means an individual assembled part
2 of a package, including, but not limited to, an interior or
3 exterior blocking, bracing, cushioning, weatherproofing, exterior
4 strapping, coating, closure, ink, or label.

5 (c) "Person" means an individual, partnership, corporation,
6 association, governmental entity, or other legal entity.

7 (d) "Rule" means a rule promulgated pursuant to the adminis-
8 trative procedures act of 1969, Act No. 306 of the Public Acts of
9 1969, being sections 24.201 to 24.328 of the Michigan Compiled
10 Laws.

11 Sec. 3. (1) Except as provided in subsection (2), a person
12 shall not sell, or offer for sale, a package, packaging material,
13 or packaging component that contains a total concentration of
14 lead, cadmium, mercury, or hexavalent chromium or any combination
15 of these substances intentionally introduced as an element during
16 manufacturing or distribution that exceeds any of the following:

17 (a) Beginning 2 years after the effective date of this act,
18 600 parts per million.

19 (b) Beginning 3 years after the effective date of this act,
20 250 parts per million.

21 (c) Beginning 4 years after the effective date of this act,
22 100 parts per million.

23 (2) If the department of agriculture determines that a revi-
24 sion of subsection (1) is necessary to alleviate an unreasonable
25 risk to the public health, safety, or welfare, or the environ-
26 ment, the department of agriculture may promulgate rules that do
27 1 or more of the following:

1 (a) Add a substance to the list provided in subsection (1).

2 (b) Delete a substance from the list provided in
3 subsection (1).

4 (c) Lower a parts per million requirement provided in
5 subsection (1) for 1 or more substances.

6 (d) Increase a parts per million requirement provided in
7 subsection (1) for 1 or more substances.

8 (3) In making a determination under subsection (2), the
9 department of agriculture shall consider all of the following:

10 (a) The magnitude and the severity of the risk using a
11 nationally recognized risk assessment protocol.

12 (b) The benefits of the substance or the concentration of
13 the substance to society.

14 (c) The availability or feasibility of alternative sub-
15 stances and other adverse effects that a revision of
16 subsection (1) may have on society.

17 (4) Subsection (1) does not apply to any of the following:

18 (a) Until 6 years after the effective date of this act, to a
19 package, packaging material, or packaging component made from
20 recycled materials.

21 (b) Until 4 years after the effective date of this act, to a
22 package, packaging material, or packaging component made from
23 glass or ceramics.

24 (c) To a package or packaging component that is used to con-
25 tain distilled spirits or wine which has been delivered by a man-
26 ufacturer or a distributor prior to the effective date of this

1 act or which has a code indicating the date of manufacture was
2 prior to the effective date of this act.

3 (d) To a package, packaging material, or packaging component
4 if a higher total concentration of lead, cadmium, mercury, and
5 hexavalent chromium is necessary to meet federal health or safety
6 requirements.

7 (e) To a package, packaging material, or packaging component
8 for which there is no feasible alternative that satisfies the
9 limitations in subsection (1).

10 Sec. 4. (1) The department of agriculture shall investigate
11 complaints of violations of this act.

12 (2) The attorney general may, on behalf of the state, com-
13 mence a civil action for a violation of this act seeking either
14 of the following:

15 (a) Injunctive relief.

16 (b) A civil fine under section 5.

17 Sec. 5. An original manufacturer of a package, packaging
18 material, or packaging component who violates this act is subject
19 to a civil fine of \$1,000.00 per day of violation.