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## PROTECT CHILDREN FROM POLLUTION SOURCES

**House Bills 4568-4570**

**Sponsor: Rep. Laura Baird**

**Committee: Conservation and Outdoor  
Recreation**

**Complete to 8-10-00**

### **A SUMMARY OF HOUSE BILLS 4568-4570 AS INTRODUCED 4-27-99**

House Bills 4568-4570 would amend Parts 31 and 55 of the Natural Resources and Environmental Protection Act (NREPA), and Section 12 of the Public Health Code, respectively, to prohibit potential sources of air and water pollution from being located near buildings housing children; and to require that the Department of Environmental Quality (DEQ) identify and list environmental pollutants commonly used near children and advise parents on how to protect children from exposure.

Prohibited Air Pollution Sources. Part 55 of the NREPA, which regulates air pollution control, prohibits the installation or operation of a municipal solid waste incinerator within 1,000 feet from certain buildings, including public or private elementary or secondary schools, and preschool facilities. House Bill 4568 (MCL 324.5502a) would extend this prohibition to specify that, notwithstanding any other provision of Part 55, the installation or operation of certain air pollution sources would be prohibited if they were located within one-quarter mile of a residential dwelling, a public or nonpublic elementary or secondary school, a preschool, or a child care center. "Child care center" would be defined under the bill to mean that term as defined in Section 1 of Public Act 116 of 1973 (MCL 722.111), which regulates child care organizations. The prohibited air pollution sources would include the following:

- Any new municipal solid waste or medical waste incinerator, or a modification of an existing one, that would increase the emissions of any air contaminant regulated under the act.
- A stationary source that had the potential to emit 100 or more tons per year of any air contaminant regulated under the provisions of the Clean Air Act.
- A particular change at a "minor offset source" (as defined in the Administrative Code) that would result in the potential to emit 100 or more tons per year of any air contaminant regulated under the Clean Air Act.
- A new source of hazardous air contaminants (defined under the bill to mean a hazardous air pollutant listed under Section 112 of the Clean Air Act [42 USC 7412]), or a modification of an existing source that would increase the emissions of any hazardous air contaminant.

Prohibited Wastewater Discharge. Part 31 of NREPA regulates water resources protection, and specifies that a permit from the DEQ must be obtained before waste or waste effluent can be discharged into state waters. House Bill 4569 would amend the act (MCL 324.3112) to require that

the DEQ consider and make written findings on the increased health risk to children in the area posed by a proposed discharge, and the cumulative health risk to children in the area posed by all discharges, including the proposed one, when determining whether to issue a permit. Under the bill, this provision would also apply in circumstances where the DEQ is making a determination, after notice and a public hearing, on whether to deny or revoke a permit.

House Bill 4570 would add a new section to Article 12 of the Public Health Code (MCL 333.12102), which regulates environmental health, to require that the DEQ identify certain environmental contaminants that are harmful to children. Under the bill, the department would be required to identify environmental pollutants commonly used or found in areas that are reasonably accessible to children; utilizing scientific peer review, develop a list of those pollutants identified that have known, likely, or suspected health risks to children; and develop recommendations to help reduce or eliminate exposure of children to those environmental pollutants listed, in areas reasonably accessible to children. Should the list include pesticides, the recommendation would have to include advice, developed in consultation with the Department of Agriculture, on how to establish an integrated pest management program that reduced or eliminated exposure of children to those pesticides. The DEQ would then be required to distribute information based on these recommendations, advising parents on how to protect children from exposure to environmental pollutants.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.