

HOUSE BILL No. 5959

April 25, 2002, Introduced by Rep. Callahan and referred to the Committee on Conservation and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 8322 (MCL 324.8322).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8322. (1) The director may do all of the following:

2 (a) Declare as a pest any form of plant or animal life,
3 except viruses, nematodes, bacteria, or other microorganisms on
4 or in living human beings or other animals, that is injurious to
5 health or the environment.

6 (b) Determine the toxicity of pesticides to human beings.

7 The director shall use AS A GUIDE IN THIS DETERMINATION the data
8 in support of THE registration ~~and~~ OF THE PESTICIDE AND ITS
9 classification as a ~~guide in this determination~~ GENERAL OR
10 RESTRICTED USE PESTICIDE.

1 (c) Determine pesticides, and quantities of substances
2 contained in pesticides, that are injurious to the environment.
3 The director shall use the EPA regulations as a guide in this
4 determination.

5 (d) Enter into cooperative agreements with agencies of the
6 federal government or any other agency of this state, or an
7 agency of another state, for the purpose of implementing this
8 part and securing uniformity of rules.

9 (e) Enter upon any public or private premises or other
10 place, including vehicles of transport, where pesticides or
11 devices are being used or held for distribution or sale, for the
12 purposes of inspecting and obtaining samples of pesticides or
13 devices or to inspect equipment or methods of application.

14 (f) Allow only certified applicators to apply a pesticide
15 that is classified as a restricted use pesticide pursuant to
16 subsection (2).

17 (2) In addition to any other authority provided by this
18 part, the director, by administrative order, may classify a pes-
19 ticide as a restricted use pesticide in accordance with any 1 of
20 the restrictive criteria in 40 C.F.R. 152.170. ~~(May 4, 1988).~~

21 THE DIRECTOR, BY ADMINISTRATIVE ORDER, SHALL CLASSIFY A PESTICIDE
22 AS A RESTRICTED USE PESTICIDE IF THAT PESTICIDE IS USED FOR
23 AQUATIC NUISANCE CONTROL AS REGULATED UNDER SECTIONS 12561 TO
24 12563 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.12561 TO
25 333.12563.

26 (3) Prior to classifying a pesticide as a restricted use
27 pesticide under subsection (2), the director shall issue a

1 preliminary administrative order and provide for a 30-day period
2 for public comment and review pertaining to the preliminary
3 order. Prior to issuing the final administrative order, the
4 director shall review and consider any public comments received
5 during the 30-day period. An administrative order classifying a
6 pesticide as a restricted use pesticide shall cite each of the
7 provisions of subsection (2) that justify that classification.

8 (4) The department shall develop a program on pesticide con-
9 tainer recycling and disposal to be approved by the commission of
10 agriculture. The program shall be limited to licensed pesticide
11 dealers and other persons seeking approval from the department
12 for participation in the program.

13 Enacting section 1. This amendatory act does not take
14 effect unless Senate Bill No. _____ or House Bill No. 5960
15 (request no. 06838'02 a) of the 91st Legislature is enacted into
16 law.