

THE JOHN C. HERTEL TOXIC SUBSTANCE CONTROL COMMISSION ACT (EXCERPT)
Act 116 of 1978

***** 286.186 THIS SECTION DOES NOT APPLY AFTER DECEMBER 31, 1989: See (1) of 286.194 *****

***** 286.186 THIS SECTION IS REPEALED BY ACT 210 OF 2015 EFFECTIVE MARCH 14, 2016 *****

286.186 Commission; duties generally.

Sec. 6. The commission shall:

(a) Investigate all reports, problems, or irregularities which involve a toxic substance or could involve a toxic substance, including illnesses or abnormalities in animal or human behavior, or plant development. This investigation shall be conducted when a state agency or department fails to make the necessary investigation, or when there is a lack of understanding as to which department or agency is responsible for making the investigation.

(b) Investigate and compile data not available under the federal toxic substance control act relative to the health, safety, or environmental testing programs and commercial distribution of a product containing a toxic substance as identified in section 6(a) sold or to be sold in this state. This investigation shall be conducted when a state agency or department fails to make the necessary investigation, or when there is a lack of understanding as to which department or agency is responsible for making the investigation.

(c) Alert the governor and the legislature when a potential toxic substance problem has been identified and coordinate, assist, and monitor the investigation and evaluation of the potential problem by a state agency. The commission shall provide periodic reports of the progress being made in the evaluation of the problem to the governor and the legislature.

(d) Declare a toxic substance emergency upon a vote of 2/3 of the voting members. A draft of that declaration shall be presented to the governor for his or her signature. The draft shall include a statement justifying the commission action, including an explanation as to why existing administrative procedures are inadequate to protect the public against widespread serious harm. When the declaration is signed by the governor, a toxic substance emergency exists. When this occurs, the commission shall:

(i) Make all decisions regarding the sale, use, and method of disposal of the identified toxic substance in this state.

(ii) Promulgate rules under section 48 of Act No. 306 of the Public Acts of 1969, as amended, being section 24.248 of the Michigan Compiled Laws.

(iii) Designate a state agency as a lead agency, monitor the activities of this designated agency, and report to the governor and the legislature on these activities.

(e) Coordinate the activity of all state agencies involved in a toxic substance emergency.

(f) Centralize, collect, monitor, and disseminate information on the existence, manufacture, use, and disposal of the identified toxic substances and make recommendations for the appropriate state agency to be responsible for the regulation of these toxic substances.

(g) If a toxic substance emergency is declared pursuant to subdivision (d), immediately notify all state departments and appropriate local officials of the emergency. Not more than 48 hours after receipt of notification that a toxic substance emergency exists, each state department shall notify local authorities within its area of concern, health officers, health professionals, and other persons and individuals who may be affected by the toxic substance emergency.

History: 1978, Act 116, Eff. Jan. 1, 1979.