

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

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

***** 286.187 THIS SECTION IS REPEALED BY ACT 210 OF 2015 EFFECTIVE MARCH 14, 2016 *****

286.187 Declaration of toxic substance emergency; activities of commission; petition to restrain condition or practice; cessation or continuation of emergency.

Sec. 7. (1) When a toxic substance emergency is declared under section 6(d), the commission's activities may include the following:

(a) Issuing orders to persons to prohibit the distribution, use, or dissemination of the identified toxic substance.

(b) Initiating the necessary action to allow the commission to become the primary coordinating state agency for the reception and distribution of federal assistance.

(c) Directing the disposal of, in an appropriate manner, a toxic substance and utilize the capabilities and personnel of a state or private agency in providing for this disposal.

(d) Ordering a state agency to exercise its normal or emergency powers to alleviate or control a toxic substance emergency.

(e) Ordering a state agency to conduct tests on humans, animals, plants, or an inorganic substance to determine the nature, scope, or identity of a toxic substance or the extent of the exposure to a toxic substance.

(f) Inspecting records directly related to the toxic emergency. Inspections shall not extend to financial, sales, production, pricing, personnel, and research data not related to health and environment.

(2) Upon failure of a person or state or private agency to comply with an order of the commission issued under this section, the commission may petition the circuit court having jurisdiction to restrain a condition or practice which the commission determines may cause a toxic substance emergency.

(3) A toxic substance emergency shall cease to exist 60 days after its declaration. Upon a vote of 2/3 of voting members, and the concurrence of the governor, a toxic substance emergency may be continued for periods not to exceed 60 days.

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