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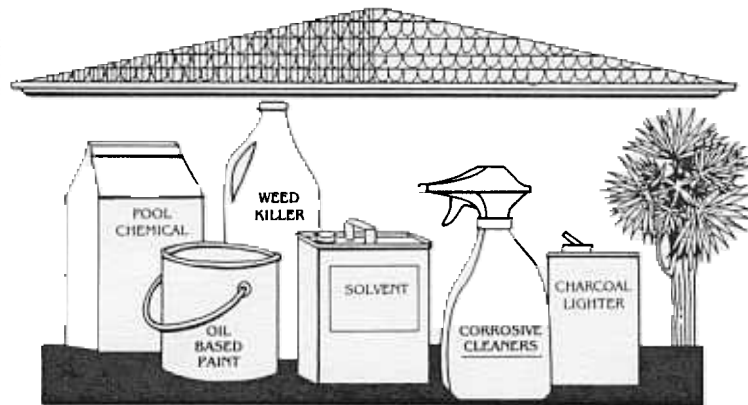
# **Community Right-to-Know Regulation**

**Macomb County Health Department  
Environmental Health Services Division**

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# Macomb County Regulation

Governing  
Identification  
Disclosure  
&  
Health Risk Assessment  
of Toxic Chemicals



BY AUTHORITY CONFERRED ON THE MACOMB COUNTY HEALTH DEPARTMENT  
AND THE MACOMB COUNTY BOARD OF COMMISSIONERS PURSUANT TO  
SECTION 2441 OF ACT 368, PUBLIC ACTS OF 1978, AS AMENDED.

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# Purpose

## ARTICLE I

**Section 1.1** This regulation is promulgated by the Macomb County Health Department for the purpose of protecting the public health through an integrated management program addressing human exposure to toxic chemicals by vesting in the Macomb County Health Department the responsibility and authority to:

- Investigate complaints involving the use, manufacture, storage and disposal of toxic chemicals.
- Conduct investigations and evaluations of the toxic properties of chemicals under the provisions of this regulation.
- Conduct epidemiologic investigations of suspected illness associated with exposure to toxic chemicals.
- Provide public access to information in the possession of the Macomb County Health Department regarding the use, manufacture and storage of toxic chemicals.
- Provide and interpret information to interested persons on the currently known and scientifically documented health effects and risks associated with exposure to toxic chemicals.
- Develop a toxic chemicals community resource center capability within the Macomb County Health Department.
- Develop and implement community awareness and educational programs for disseminating information to the public concerning toxic chemical exposure under controlled and uncontrolled conditions.

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# General Provisions

## ARTICLE II

### **Section 2.1** As used in this regulation:

A toxic chemical is: A substance, or combination of substances, which because of its properties, quantity or concentration represents a significant risk to human health as a result of present or foreseeable use, storage, handling, accidental spill, or other planned or unplanned exposure;

Person is: Any individual natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business, trust, institution, agency or other entity recognized by law as the subject of rights and duties;

Director is: The Director of the Macomb County Health Department or his/her designated agent.

**Section 2.2** Substances contained in foods, drugs, cosmetics, tobacco products, and consumer products packaged for retail distribution to, and use by, the general public are exempted from the provisions of this regulation.

**Section 2.3** When this regulation or portions thereof are in conflict with, or contain provisions similar in scope and intent to, existing and future federal and state laws, statutes, regulations or standards, such federal or state laws, statutes, regulations or standards shall govern and prevail unless conflicting portions of this regulation are more demanding and are enforceable under the applicable state and/or federal laws, statutes, regulations or standards.

**Section 2.4** The design of this regulation is to establish in the Macomb County Health Department, pursuant to the statutes in such cases made and provided, a regulation providing the health department with the authority and responsibility to obtain information regarding toxic chemicals which may be the cause of illness, and to provide for disclosure of such information obtained to interested persons.

# Administration & Organization

## ARTICLE III

**Section 3.1 Enforcement Agency** The Macomb County Health Department, through its Director or his/her designated agent, is charged with the duty of investigating complaints filed with the health department pursuant to this regulation; with obtaining information in cases he/she deems necessary; with seeking judicial assistance in obtaining information where such is not voluntarily given, and with making available to interested persons the information obtained.

**Section 3.2 Appeals** Any person taking exception to or aggrieved by any decision, ruling, regulation, violation notice, or order issued by the Director of the Health Department or his/her designated agent under this regulation, after an opportunity for a hearing, has the right to a contested case hearing in the matter, which shall be conducted pursuant to the administrative procedures act of 1969 and authorized rules governing the hearing.

**Section 3.3 Right of Entry** The Director of the Health Department or his/her designated agent may enter and inspect any property at reasonable times for the purpose of investigating either an actual or suspected violation or to ascertain compliance or non-compliance with this regulation.

**Section 3.4 Severability** This regulation and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this regulation shall not be affected thereby.

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# Proceedings

## ARTICLE IV

**Section 4.1 Complaints** Upon receipt of a written complaint concerning toxic chemicals, the Director of the Health Department or his/her designated agent shall enter upon an investigation of that complaint, to whatever extent the Director or his/her designated agent, believes necessary to identify and evaluate human health risks.

**Section 4.2** The Director of the Health Department or his/her designated agent is empowered to initiate investigations, and conduct studies of known or suspected, existing, or potential toxic chemical exposure and maintain records of such investigations and studies.

**Section 4.3** The Director of the Health Department or his/her designated agent is authorized to cooperate with, and assist federal, state and municipal agencies in developing a coordinated program to manage, control, prevent, or reduce human health risks associated with exposure to toxic chemicals.

**Section 4.4 Determination of Source** Upon a determination, by the Director of the Health Department or his/her designated agent that reasonable grounds exist to believe that there is a possible human health risk as a result of exposure to toxic chemicals, the Director or his/her agent shall take all reasonable steps to determine the most probable source (or sources) of that possible human health risk.

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**Section 4.5 Information Form** The Director of the Health Department or his/her agent shall prepare an information form to be forwarded to those persons responsible for the most probable source or sources suspected of causing exposure to toxic chemicals. The information form shall require, but not be limited to, the disclosure of any and all chemicals, which are manufactured, stored, used or in any other way in contact with the facilities of the recipient of the request.

**Section 4.6 Enforcement** Should the requested form not be returned within fourteen (14) days after receipt, the Director of the Health Department or his/her agent is authorized to use any and all statutory and common law authority to obtain judicial assistance in obtaining the information necessary to an evaluation of the possible human health risk.

**Section 4.7 Evaluation** Upon receipt of the requested information and/or upon conclusion of any investigation, or study deemed necessary and appropriate by the Director of the Health Department or his/her agent, all data obtained relating to human health risk identification, risk assessment and risk reduction shall be evaluated and entered into the records of the Macomb County Health Department.

**Section 4.8 Dissemination of Information** After the Director of the Health Department or his/her agent has analyzed the information obtained he/she shall make such information available, at cost, to any interested persons.

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# Penalties

## ARTICLE V

**Section 5.1 Penalties** Any person who violates this regulation by refusing to provide the information requested by the Director of the Health Department or his/her agent is guilty of a misdemeanor punishable by imprisonment for not more than six months, or a fine of not more than \$200.00, or both.

**Section 5.2 Injunctive Proceedings** Whenever any person has been found to have repeatedly violated provisions of this regulation, the Director of the Health Department or his/her designated agent may commence appropriate civil legal action in a court of competent jurisdiction in the name of the county to enjoin and restrain further continuance of such violation.

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# Effective Date

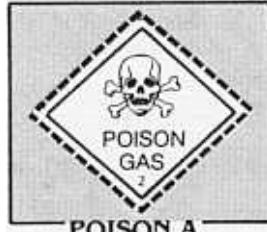
This regulation shall be deemed in effect on and after September 26, 1985, having been adopted by the Macomb County Health Department and approved by the Macomb County Board of Commissioners on September 26, 1985.

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# Hazardous Product Symbols



EXPLOSIVE



POISON A



CORROSIVE



EXPORT



FLAMMABLE



POISON

