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February 14, 2002

Gregory B. Jones  
23 Washington Street  
Monroe, MI 48161

Dear Mr. Jones:

Thank you for your letter of February 7, 2002, regarding Exhibit C to the Voluntary Bankruptcy Petition. I will see that your letter is made available to members of the Advisory Committee on Bankruptcy Rules.

Very truly yours,



A. Thomas Small

ATS:lw

Enclosure

cc: Peter G. McCabe  
John K. Rabiej  
Patricia S. Ketchum  
Jeffrey W. Morris

**GREGORY B. JONES**

ATTORNEY AT LAW  
23 WASHINGTON STREET  
MONROE, MICHIGAN 48161

February 7, 2002

TELEPHONE  
(734) 242-0808

Hon. A. Thomas Small  
Chief Bankruptcy Judge  
P. O. Drawer 2747  
Raleigh, NC 27602-2747

Re: Exhibit C to Voluntary Petition

Dear Judge Small:

Recently, I wrote to Judge Spector (soon to leave the bench), Chief Judge of the United States Bankruptcy Court for the Eastern District of Michigan, regarding Exhibit C to the voluntary petition, recently put in place. He wrote me a nice letter in response, indicating that, perhaps, I had focused too much on "potential" rather than "imminent" harm, and too little on harm to the "public," as opposed to harm to the family members of the debtor(s). He also suggested I ought to have commented to you during the comment period, and that perhaps I should nevertheless communicate my views to you, in your capacity as chairman of the Advisory Committee on Bankruptcy Rules. Thanks to the miracles of modern word processors, I can now do that, and send you in this letter, everything I wrote to Judge Spector. What follows is that letter, as I wrote it to him, with some minor additions.

After being admitted to the bar, I spent four years as an assistant prosecuting attorney in Monroe. During that service, I learned to hate statutes with adjectives in them, because adjectives generate ambiguity. In the language of our profession, "reasonable minds can differ" about the things described by adjectives.

In the 25 years since I left the prosecutor's office, about half my practice has been in representing voluntary debtors in Chapter 7 bankruptcy cases. A few years ago, I was disturbed to learn that there was a move afoot to have debtors disclose the things they had that might be covered by the environmental laws. I am as much in favor of a clean environment as anyone, but felt that, for my typical "no-asset" chapter 7 individual clients, this would be highly burdensome, without helping to

locate and clean up any pollution. In my entire career, I've had just one bankruptcy client with environmental claims against him. He formerly had a business at a location where the government was seeking to clean up, at his expense, underground gasoline storage tanks. My fears were confirmed when I went to the local Department of Environmental Health, and asked simply for a list of the things that weren't supposed to go into landfills. It is a very long list indeed.

About a year ago, the Statement of Affairs was amended, and questions 17(a), 17(b), and 17(c), seemed to be a reasonable compromise, between disclosure so full as to be useless in practice due to a surplus of information, and giving no information at all. Those questions ask, in substance, whether the government has brought any pollution proceedings against the debtor (17[a]); whether the debtor has self-reported any pollution (thereby avoiding criminal and heavy per-diem civil penalties) (17[b]); and whether the debtor has, at any time from the beginning of the world unto the present, been a party to any environmental court case or administrative proceeding (17[c]). I thought those questions were reasonable in their scope, were likely to identify most polluters, and omitted a lot of potential affirmative responses that would prove unhelpful in practice. Had these questions been in place earlier, they would have revealed my one client's underground-storage tank problem.

Now, since December 1, my clients have to answer Exhibit C to the petition: "Does the Debtor own, or have possession of, any property that poses, or is alleged to pose, a threat of imminent, and identifiable, harm to public health, or safety?" Except for one case of "unlawful application of economic poisons" (crop-dusting without a license), and the client with the underground storage tanks referred to above, I've never done any environmental cases, and I never studied environmental law in law school—it wasn't offered. So I went to the local Environmental Health Department, and got a short list of things not to be put in landfills. I read the Michigan statutes dealing with the subject, and made an unduplicated list of the things those sections talked about. I skimmed the federal environmental laws, and looked, for a short time, at page after page of small print in the administrative regulations which actually give meaning to the amorphous and nebulous language in the federal laws.

Though I had a good high school education, followed by college at the University of Michigan, and law school at Vanderbilt, my science background is weak. Many of the things in the Code of Federal Regulations have terms with lower-case Greek letters in them. The only ones I recognized in about 20 pages of the Code of Federal Regulations were arsenic, and silver (used in photographic film). I don't know what most of the things listed in 40 C.F.R. §§ 261.31, .32, .33(e),

and .33(f) are. I am certain my clients wouldn't either. In addition to the things in the E.P.A.'s "F," "K," "P," and "U" lists, the laws I looked at, or skimmed are these:

- Mich. Comp. L. Ann. § 29.1(l),
- Mich. Comp. L. Ann. § 29.472(e)(ii),
- Mich. Comp. L. Ann. § 257.19b,
- Mich. Comp. L. Ann. § 286.452(d)(i),
- Mich. Comp. L. Ann. § 286.452(d)(iii),
- Mich. Comp. L. Ann. § 286.452(d)(iv),
- Mich. Comp. L. Ann. §§ 286.471-.474,
- Mich. Comp. L. Ann. §§ 324.8301-.8336,
- Mich. Comp. L. Ann. §§ 324.11101-.11152,
- Mich. Comp. L. Ann. § 324.11102(2)(a),
- Mich. Comp. L. Ann. § 324.11102(2)(b),
- Mich. Comp. L. Ann. § 324.11105a,
- Mich. Comp. L. Ann. § 324.20102(t)(i),
- Mich. Comp. L. Ann. § 324.20102(t)(ii),
- Mich. Comp. L. Ann. § 324.20102(t)(iv),
- Mich. Comp. L. Ann. § 324.21303(d)(ii),
- Mich. Comp. L. Ann. § 333.5457(3),
- Mich. Comp. L. Ann. § 434.21(e), and
- Mich. Admin. Code, R. 299.9203; and, in the federal field:
  - 7 U.S.C. §§136-136j, and §§ 136j-136y,
  - 21 U.S.C. §§ 301-321, 331-333, 334-343-2, 344-346a, 347, 348-353, 355-360, 360b-360-dd, 360hh-363, 371-376, 378-395,
  - 42 U.S.C. §§ 6901 et seqq.,
  - 42 U.S.C. §§ 9601 et seqq., and
  - 40 C. F. R. Parts 261, 264,
  - 40 C. F. R. §§ 261.3, 261.31, .32, .33(e), and .33(f), and
  - 40 C..F. R. §§ 273.1-273.81.

In an effort to avoid giving an affirmative response to the Exhibit C question, I thought that, perhaps, environmental law might give some concrete meaning to the concept of an "imminent hazard." I did this in the belief that, when a term has a meaning in one field of the law (environmental law), that term will, presumably, be given the same meaning in another field (bankruptcy), unless a contrary intention clearly appears. I went to the University of Michigan law school library, and looked up the phrase "imminent hazard" in the publication, Words and Phrases. There were but four cases interpreting the phrase, all from the field of environmental law. The guidance they give, however, is that anything can be an "imminent hazard." In summary, they stand for the following:

The term, “imminent hazard” is not limited to a concept of crisis. It is enough if there is a substantial likelihood that serious harm will be experienced during the year or two required in any realistic projection of the administrative process. Environmental Defense Fund, Inc. v. Environmental Protection Agency, 167 U.S. App. D. C. 71, 510 F.2d 1292 (D. C. Cir., 1975).

The Court must caution against any approach to the term “imminent hazard” as used in the Federal Insecticide, Fungicide, and Rodenticide Act that restricts it to a concept of crisis. An “imminent hazard” exists if there is substantial likelihood that serious harm will be experienced during the year or two required in any realistic projection of administrative process for cancellation of registration of economic poisons. Environmental Defense Fund, Inc. v. Environmental Protection Agency, 150 U.S. App. D.C. 348, 465 F.2d 528 (D. C. Cir., 1972), Love v. Thomas, 858 F.2d 1347 (9<sup>th</sup> Cir., 1988), cert denied, sub nom. American Federation of Labor and Congress of Industrial Organizations v. Love, 490 U.S. 1035, 109 S.Ct. 1932, 104 L. Ed. 2d 403 (1989).

A finding of ‘imminent and substantial endangerment,’ for purposes of issuing a preliminary injunction under the Resource Conservation and Recovery Act, is permissible if conditions giving rise to the threat are currently present, even though the impact of the threatened harm may not be realized, if ever, for many years. An “imminent hazard” may be declared at any point in a chain of events which may ultimately result in harm to the public or the environment. Imminent and substantial endangerment under the act is not limited to emergency-type situations. Wilson v. Amoco Corp., 989 F. Supp 1159 (D. Wyo., 1998) (emphasis added).

The cases I’ve referred to above are agreed with in the hornbook by W. Rodgers, Jr., Environmental Law (2d ed., 1994), § 7.2(B)(1), p. 544, “harm may be ‘imminent’ even though it may occur in the distant future and ‘substantial’ despite the fact that it hasn’t happened yet.” (Citations omitted.) Clearly, the case of Wilson v. Amoco Corp., with its notion that something can be “imminent” under the environmental law, even if it might never happen, means, as Rodgers indicates, that everything is “imminent” and ‘substantial” under those laws.

This might seem like a topic ripe for a judge with a sharp mind, and a pen dipped in vitriol (the name “Scalia” comes readily to mind). Even so, it seems to me

that, despite the apparent illogic (and the obvious due-process problem of fair notice), of something being labeled “imminent,” even if it might never occur, there is nevertheless a fair basis in environmental law for treating, as “imminent,” dangers which might never come to pass. If we think of this as a legal fiction, it makes more sense. As the Rodgers hornbook, Environmental Law, (2d ed., 1994), § 7.2(B)(1), p. 544, says, “The consequence of these decisions is that the government is put to proving not actual damage, but exposure.”

Consider a scenario where a truck dumps a load of toxic sludge in front of my office. Everyone in every governmental unit, and everyone who works nearby, or comes here, would want it cleaned up. It might be the case that, if 100,000 people were exposed to that sludge, we could state, to a reasonable degree of scientific certainty, that within the next 40 years, 3,000 of those 100,000 people might develop cancer of the knee. Yet, it might also be true that, even without that exposure, 2,500 people in that same group of 100,000 would have developed cancer of the knee anyway. It therefore becomes almost impossible to link any case of cancer of the knee to the dumping of the toxic sludge, and the time period involved makes the task even harder. By indulging in what is, in effect, a legal fiction—that the harm is “imminent”—we speed the clean-up and minimize the risk.

As a debtor’s counsel, it seems to me that any affirmative response to the Exhibit C question is going to prompt the Clerk’s office, the United States Trustee, and/or the trustee assigned to the case, to go into a “rapid-response” mode, in order to alleviate the perceived pollution. From my past experience, I have learned that debtors can never go wrong in disclosing information, however. As the debtor’s lawyer, it is my intention always to answer that question in the affirmative. I will do this, even though the local Environmental Health Department tells me that ordinary individuals (as opposed to businesses) are exempted from the prohibition against disposing of the various things listed below into landfills, groundwater, and the air.

My standard form petition now has a default setting programmed to answer “yes” to the Exhibit C. question. I enclose a copy of the second page of my standard petition, and the two pages which follow. I have devised the following list, which I will append to Exhibit C in all cases. The answers given are for my household.

| Yes<br>X | Substance  | Yes<br>X | Substance  | Yes<br>X | Substance   |
|----------|--|----------|--|----------|---|
| <u>X</u> | Aerosols   | -        | Flammable compressed gas   | <u>X</u> | Petroleum   |
| -        | Algicides  | -        | Flammable gas  | <u>X</u> | Petroleum-based substances of a complex blend of hydrocarbons derived from crude oil through a process of separation, conversion, upgrading, or finishing |
| <u>X</u> | Ammunition   | -        | Flammable liquid   |          | Petroleum solvents  |
| -        | Antifreeze   | <u>X</u> | Flammable (other)  |          | Poisonous gas   |
| <u>X</u> | Any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60° F & 14.7 lb./in. <sup>2</sup> absolute) | <u>X</u> | Floor-care products  |          | Poisonous liquid  |
|          |  | <u>X</u> | Fuel oil   |          | Pond*   |
| -        | Anything which generates pressure through decomposition, heat, or other means  | -        | Furniture care products  | <u>X</u> | Preservatives   |
|          |  | <u>X</u> | Gasoline   |          | Pyrotechnics  |
| <u>X</u> | Batteries  | -        | Gasoline additives   | <u>X</u> | Radioactive material  |
| -        | Brake fluid  | -        | Hypodermic needles*  |          | Radioactive substances  |
| <u>X</u> | Bug spray  | <u>X</u> | Insecticides   | <u>X</u> | Rat poison  |
| <u>X</u> | Car wax  | <u>X</u> | Irritants  |          | Residual fuel oils  |
| <u>X</u> | Carpet cleaners  | -        | Irritating material  | -        | Rodent poison   |
| <u>X</u> | Chemicals, including those on E. P. A. "F," "K," "P," & "U" lists, 40 C. F. R. §§ 261.31, .32, .33(e), .33(f)                            | <u>X</u> | Jet fuels  | <u>X</u> | Smoke detector (Uranium)  |
|          |  | <u>X</u> | Lead-based paint   | <u>X</u> | Spot removers   |
| <u>X</u> | Combustible liquid   | <u>X</u> | Liquified petroleum gas  | <u>X</u> | Spray paints  |
| <u>X</u> | Corrosive material   | <u>X</u> | Lubricants   | <u>X</u> | Stain removers  |
| -        | Corrosive (other)  | <u>X</u> | Mercury thermometers   |          | Strong sensitizers  |
| -        | Crude oil  | <u>X</u> | Metal polish   | -        | Swimming pool*  |
| -        | Diesel additives   | <u>X</u> | Mixtures of petroleum with de minimis quantities of other regulated substances | -        | Swimming pool chemicals   |
| -        | Dioxins  | <u>X</u> | Moth balls   | -        | Syringes*   |
| -        | Distillate fuel oils   | -        | Motor fuels  | <u>X</u> | Toxic—anything  |
| -        | Engine cleaner   | <u>X</u> | Motor oil  |          | Transmission fluid  |
| -        | Etiologic material   | <u>X</u> | Motor vehicle tires  | -        | Underground, or above-ground, storage tank  |
| -        | Explosives   | -        | Mouse poison   |          | Upholstery cleaners   |
| <u>X</u> | Fertilizers  | <u>X</u> | Non-flammable compressed gas   | <u>X</u> | Wood stains   |
|          |  | <u>X</u> | Oxidizing material   | <u>X</u> |   |
|          |  | <u>X</u> | Paints   | <u>X</u> |   |

My personal favorite on this list is "non-flammable compressed gas." I have in my refrigerator, both beer, and soda pop. These get their fizz from carbon dioxide. At standard conditions of temperature and pressure (60° F and 14.7 lb./in.<sup>2</sup>), and in a normal atmosphere of about 79% nitrogen, CO<sub>2</sub> is non-flammable. In the bottle or can, it is compressed, and it is a gas in solution. It becomes visible as a small cloud when the container is opened and the pressure drops. Thus I have "non-flammable compressed gas." Remember, I didn't write these terms into the Michigan statutes, which, I am confident, mirror the federal legislation. I'm just telling the Court what I (or my clients) have.

It seems to me that, rather than have the Clerk, the United States Trustee, and the trustee assigned to the case go into apoplexy upon receipt of this document, that Exhibit C should be reworked. If it were to read:

"If the debtor is a corporation partnership, or an individual who is 'in business,' or who has, at any time [or, "who has at any time in the last six years"] been 'in business,' as that term is defined in accordance with the Statement of Affairs, then, does the Debtor now own, or have possession of, any property that poses, or is alleged to pose, a threat of imminent, and identifiable, harm to public health, or safety, or has the Debtor so owned or possessed any such property?" [or, "has the Debtor so owned or possessed any such property within the last six years immediately preceding the filing of this petition?"]"

then this would limit the question to business filers, the likeliest sources of the greatest pollution problems. Perhaps questions 17(a), 17(b) and 17(c) in the Statement of Affairs could be reworked, if necessary, or a question 17(d) added, to disclose there any similar problems for individual filers, who would not have been required to answer Exhibit C.

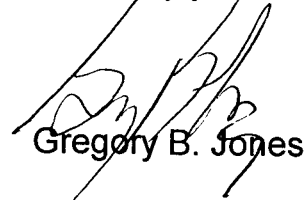
I think this proposed modification fairly meets Judge Spector's points:

(1) to distinguish between that which really is, in the ordinary meaning of the English language, an "imminent" harm, from something which is remote; and

(2) to distinguish between that which presents some real danger to the public at large, from that which is no more than the ordinary hazard found in most American homes at the start of the 21<sup>st</sup> century.

I have no ability to change the wording of Exhibit C. Alone, neither do you, but you can, perhaps, in conjunction with the offices of the Bankruptcy Court Clerks and the United States Trustees, and the Advisory Committee, influence those who wrote it, to revise it.

Very truly yours,



Gregory B. Jones

cc: Hon. Steven W. Rhodes



UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION

In re

Debtor(s)

Case No.  
Chapter 7  
Judge

**VOLUNTARY PETITION (Continuation Sheet 1 of 1 Attached)**

**PRIOR BANKRUPTCY CASE FILED WITHIN THE LAST SIX YEARS OR MORE**

|                      |             |            |
|----------------------|-------------|------------|
| Location Where Filed | Case Number | Date Filed |
|----------------------|-------------|------------|

**Pending or Prior Bankruptcy Case Filed by Any Spouse, Partner, or Affiliate of the Debtor**

|                |              |            |
|----------------|--------------|------------|
| Name of Debtor | Case Number  | Date Filed |
| District       | Relationship | Judge      |

**SIGNATURES**

|   |   |
|---|---|
| <p><b>Signature of Debtor(s) (Individual / Joint)</b><br/>I declare, under penalty of perjury, that the information provided in this petition is true and correct.<br/>[If petitioner is an individual whose debts are primarily consumer debts, and has chosen to file under chapter 7]: I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____<br/>Debtor</p> <p>X _____<br/>Joint Debtor</p> <p>Date: _____</p> | <p align="center"><b>SIGNATURE OF DEBTOR<br/>(CORPORATION OR PARTNERSHIP)</b></p> <p>I declare, under penalty of perjury, that the information provided in the petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.<br/>The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.</p> <p>X _____<br/>Signature of Authorized Individual</p> <p>_____<br/>Printed Name of Authorized Individual</p> <p>_____<br/>Title of Authorized Individual:</p> <p>Date: _____</p> |
|---|---|

**SIGNATURE OF ATTORNEY**

Date: \_\_\_\_\_

GREGORY B. JONES (P15572), Attorney for Debtor(s)  
23 Washington, Monroe, MI 48161-2234  
Telephone: (734) 242-0808

[ ] **EXHIBIT A**  
Exhibit A is attached and made a part of this petition.

**EXHIBIT B**

I, GREGORY B. JONES, the attorney for the petitioner(s) named in the foregoing petition, declare that I have informed the petitioner(s) that he, she, or they, may proceed under chapter 7, 11, 12, [if in effect at the time of signing], or 13, of title 11, United States Code, and have explained the relief available under each such chapter.

Date: \_\_\_\_\_

GREGORY B. JONES (P15572), Attorney for Debtor(s)  
23 Washington, Monroe, MI 48161-2234  
Telephone: (734) 242-0808

**EXHIBIT C**

Does the Debtor own, or have possession of, any property that poses, or is alleged to pose, a threat of imminent, [or] identifiable, harm to public health, or safety?

[X] Yes, and Exhibit C is attached, and made a part of this petition.  
[ ] No

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN,  
SOUTHERN DIVISION

4

In re

Debtor(s)

Case No.  
Chapter 7  
Judge

GREGORY B. JONES (P15572), Attorney for Debtor(s)  
23 Washington, Monroe, MI 48161-2234, Telephone: (734) 242-0808

EXHIBIT "C" TO VOLUNTARY PETITION

*[If, to the best of the debtor's knowledge, the debtor owns, or has possession of, property that poses, or is alleged to pose, a threat of imminent {or} identifiable harm to the public health or safety, attach this Exhibit "C" to the petition.]*

1. Identify, and briefly describe, all real, or personal property, owned by, or in possession of, the debtor(s), that, to the best of the debtor's (debtors') knowledge, poses, or is alleged to pose, a threat of imminent [or] identifiable harm to the public health or safety (attach additional sheets, if necessary):

See Below. The items listed appear in one or more of the following statutes or regulations, except as noted by an asterisk:

Mich. Comp. L. Ann. § 29.1(j), Mich. Comp. L. Ann. § 29.472(e)(ii), Mich. Comp. L. Ann. § 257.19b, Mich. Comp. L. Ann. § 286.452(d)(i), Mich. Comp. L. Ann. § 286.452(d)(iii), Mich. Comp. L. Ann. § 286.452(d)(iv), Mich. Comp. L. Ann. §§ 286.471-474, Mich. Comp. L. Ann. §§ 324.8301-8336, Mich. Comp. L. Ann. §§ 324.11101-11152, Mich. Comp. L. Ann. § 324.11102(2)(a), Mich. Comp. L. Ann. § 324.11102(2)(b), Mich. Comp. L. Ann. § 324.11105a, Mich. Comp. L. Ann. § 324.20102(t)(i), Mich. Comp. L. Ann. § 324.20102(t)(ii), Mich. Comp. L. Ann. § 324.20102(t)(iv), Mich. Comp. L. Ann. § 324.21303(d)(ii), Mich. Comp. L. Ann. § 333.5457(3), Mich. Comp. L. Ann. § 434.21(e), and Mich. Admin. Code, R. 299.9203; 7 U.S.C. §§ 136-136i, and §§ 136j-136y, 21 U.S.C. §§ 301-321, 331-333, 334-343-2, 344-346a, 347, 348-353, 355-360, 360b-360-dd, 360hh-363, 371-376, 378-395, 42 U.S.C. §§ 6901 et seqq., 42 U.S.C. §§ 9601 et seqq., and 40 C. F. R. Parts 261, 264, 40 C. F. R. §§ 261.3, 261.31, .32, .33(e), and .33(f), 40 C. F. R. §§ 273.1-273.81.

The term, "imminent hazard" is not limited to a concept of crisis; it is enough if there is a substantial likelihood that serious harm will be experienced during the year or two required in any realistic projection of the administrative process. Environmental Defense Fund, Inc. v. Environmental Protection Agency, 167 U.S. App. D. C. 71, 510 F.2d 1292 (D. C. Cir., 1975).

The Court must caution against any approach to the term "imminent hazard" as used in the Federal Insecticide, Fungicide, and Rodenticide Act that restricts it to concept of crisis. An "imminent hazard" exists if there is substantial likelihood that serious harm will be experienced during year or two required in any realistic projection of administrative process for cancellation of registration of economic poisons. Environmental Defense Fund, Inc. v. Environmental Protection Agency, 150 U.S. App. D.C. 348, 465 F.2d 528 (D. C. Cir., 1972), Love v. Thomas, 858 F.2d 1347 (9<sup>th</sup> Cir., 1988), cert denied, sub nom. American Federation of Labor and Congress of Industrial Organizations v. Love, 490 U.S. 1035, 109 S.Ct. 1932, 104 L. Ed. 2d 403 (1989).

A finding of "imminent and substantial endangerment," for purposes of issuing a preliminary injunction under Resource Conservation and Recovery Act, is permissible if conditions giving rise to the threat are currently present, even though the impact of the threatened harm may not be realized, if ever, for many years. An "imminent hazard" may be declared at any point in a chain of events which may ultimately result in harm to the public or the environment. Imminent and substantial endangerment under the act is not limited to emergency-type situations. Wilson v. Amoco Corp., 989 F. Supp 1159 (D. Wyo., 1998).

2. With respect to each parcel of real property, or item of personal property identified in question 1, describe the nature and location of the dangerous condition, whether environmental or otherwise, that poses, or is alleged to pose, a threat of imminent [or] identifiable harm to the public health or safety (attach additional sheets, if necessary):

[All at residence address(es), unless noted]. The hazard flows from the risk of death or serious injury associated with the items marked below, and by virtue of the statutory or regulatory definitions, making the item a danger or hazard. Further explanations will be provided upon court order, if the listing below is regarded as insufficient.

1 Continuation Sheet Attached

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN,  
SOUTHERN DIVISION

In re

Debtor(s)

Case No.  
Chapter 7  
Judge

GREGORY B. JONES (P15572), Attorney for Debtor(s)  
23 Washington, Monroe, MI 48161-2234, Telephone: (734) 242-0808

**EXHIBIT "C" TO VOLUNTARY PETITION**

| Yes<br>X | Substance  | Yes<br>X | Substance  | Yes<br>X | Substance   |
|----------|--|----------|--|----------|---|
| —        | Aerosols   | —        | Flammable compressed gas   | —        | Petroleum   |
| —        | Algacides  | —        | Flammable gas  | —        | Petroleum-based substances of a complex blend of hydrocarbons derived from crude oil through a process of separation, conversion, upgrading, or finishing |
| —        | Ammunition   | —        | Flammable liquid   | —        | Petroleum solvents  |
| —        | Antifreeze   | —        | Flammable (other)  | —        | Poisonous gas   |
| —        | Any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60° F & 14.7 lb./in. <sup>2</sup> absolute) | —        | Floor-care products  | —        | Poisonous liquid  |
| —        | Anything which generates pressure through decomposition, heat, or other means  | —        | Fuel oil   | —        | Pond*   |
| —        | Batteries  | —        | Furniture care products  | —        | Preservatives   |
| —        | Brake fluid  | —        | Gasoline   | —        | Pyrotechnics  |
| —        | Bug spray  | —        | Gasoline additives   | —        | Radioactive material  |
| —        | Car wax  | —        | Hypodermic needles*  | —        | Radioactive substances  |
| —        | Carpet cleaners  | —        | Insecticides   | —        | Rat poison  |
| —        | Chemicals, including those on E. P. A. "F," "K," "P," & "U" lists, 40 C. F. R. §§ 261.31, .32, .33(e), .33(f)                            | —        | Irritants  | —        | Residual fuel oils  |
| —        | Combustible liquid   | —        | Irritating material  | —        | Rodent poison   |
| —        | Corrosive material   | —        | Jet fuels  | —        | Smoke detector (Uranium)  |
| —        | Corrosive (other)  | —        | Lead-based paint   | —        | Spot removers   |
| —        | Crude oil  | —        | Liquified petroleum gas  | —        | Spray paints  |
| —        | Diesel additives   | —        | Lubricants   | —        | Stain removers  |
| —        | Dioxins  | —        | Mercury thermometers   | —        | Strong sensitizers  |
| —        | Distillate fuel oils   | —        | Metal polish   | —        | Swimming pool*  |
| —        | Engine cleaner   | —        | Mixtures of petroleum with de minimis quantities of other regulated substances | —        | Swimming pool chemicals   |
| —        | Etiologic material   | —        | Moth balls   | —        | Syringes*   |
| —        | Explosives   | —        | Motor fuels  | —        | Toxic—anything  |
| —        | Fertilizers  | —        | Motor oil  | —        | Transmission fluid  |
|          |  | —        | Motor vehicle tires  | —        | Underground, or above-ground, storage tank  |
|          |  | —        | Mouse poison   | —        | Upholstery cleaners   |
|          |  | —        | Non-flammable compressed gas   | —        | Wood stains   |
|          |  | —        | Oxidizing material   |          |   |
|          |  | —        | Paints   |          |   |

I, -----, the Debtor(s), declare under penalty of perjury that I have read the foregoing Exhibit C to Voluntary Petition, consisting of 2 sheets, and that they are true and correct to the best of my knowledge, information, and belief.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Debtor

Dated: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor, if any

Dated: \_\_\_\_\_

\_\_\_\_\_  
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