

# MAINE STATE LEGISLATURE

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1 (After Deadline)  
2 (EMERGENCY)  
3 SECOND REGULAR SESSION  
4

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5 ONE HUNDRED AND TENTH LEGISLATURE  
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7 **Legislative Document**

**No. 2047**

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9 S. P. 905 In Senate, March 2, 1982  
Approved for introduction by a majority of the Legislative Council  
pursuant to Joint Rule 27.

Referred to the Committee on Agriculture. Sent down for concur-  
10 rence and ordered printed.

MAY M. ROSS, Secretary of the Senate  
Presented by Senator Wood of York.

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11  
12 STATE OF MAINE  
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14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-TWO  
16

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17 AN ACT to Provide for the Storage and  
18 Disposal of Illegal and Obsolete Pesticides  
19 and Handling Empty Pesticides Containers.  
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21 **Emergency preamble.** Whereas, Acts of the Legislature  
22 do not become effective until 90 days after adjournment  
23 unless enacted as emergencies; and

24 Whereas, for the first time in 10 years the State does  
25 not have a facility for the storage and disposal of illegal  
26 and obsolete pesticides; and

27 Whereas, means for private disposal for such pesticides  
28 are unsatisfactory, commercial incinerators are expensive  
29 and not generally available in Maine, open burning can cause  
30 toxic or objectionable gases, and acceptable landfills are  
31 not available; and

32 Whereas, over 1 million pounds of active ingredients of  
33 legal and proper pesticides are applied in Maine each year,

1 but the containers frequently are disposed improperly, often  
2 through lack of knowledge of proper disposal techniques or  
3 through lack of access to proper facilities; and

4 Whereas, the Department of Agriculture, Food and Rural  
5 Resources recently found over 60 cases of improper pesticide  
6 container storage that were worthy of prosecution; and

7 Whereas, improper storage and use of pesticides and  
8 their containers can create serious environmental contamina-  
9 tion, including surface and ground water pollution; and

10 Whereas, in the judgment of the Legislature, these  
11 facts create an emergency within the meaning of the Consti-  
12 tution of Maine and require the following legislation as  
13 immediately necessary for the preservation of the public  
14 peace, health and safety; now, therefore,

15 Be it enacted by the People of the State of Maine as follows:

16 **Sec. 1. 22 MRSA §1471-P is enacted to read:**

17 §1471-P. Storage of illegal and obsolete pesticides.

18 1. Board to accept illegal and obsolete pesticides.  
19 Within the limits of resources made available to it for the  
20 storage or disposal of illegal and obsolete pesticides pur-  
21 chased for use in Maine, the board shall accept, store and  
22 dispose of pesticides from persons who purchased them with  
23 the intent of applying them.

24 2. Board may adopt rules and fees. The board may  
25 adopt any rules necessary to implement this section, includ-  
26 ing rules limiting the quantity and nature of pesticides it  
27 accepts for storage or disposal. The board may adopt and  
28 charge fees for storage or disposal of pesticides presented  
29 to it where the amount of pesticides, or special treatments  
30 necessary for safe storage or disposal, will require a sub-  
31 stantial cost to the board; provided, that the fees charged  
32 are close to the actual cost incurred by the board.

33 **Sec. 2. Study.** Not later than December 15, 1982, the  
34 board shall submit to the Legislative Council a study de-  
35 scribing any problems and proposed solutions for the storage  
36 and disposal of illegal and obsolete pesticides, and for the  
37 proper handling of used pesticide containers. At a minimum,  
38 the study shall include the following:

1           1. An evaluation of any problems of storage and dis-  
2       posal of illegal and obsolete pesticides and recommendations  
3       for their solution;

4           2. An evaluation of any problems of the handling of  
5       used pesticide containers and recommendations for their  
6       solution including legal, geological, engineering and eco-  
7       nomic feasibility studies of the use of pesticide container  
8       rinsing stations sited in the State, the use of tax and  
9       deposit schemes to encourage proper handling, and the use of  
10      recycling and destruction for empty containers; and

11          3. All necessary implementing legislation.

12          **Sec. 3. Cooperation.** The Department of Environmental  
13      Protection, the Department of Conservation, the Department  
14      of Finance and Administration, the State Planning Office,  
15      the Office of the Attorney General and any state agency  
16      shall provide whatever assistance is required by the Depart-  
17      ment of Agriculture, Food and Rural Resources in carrying  
18      out this Act.

19          **Sec. 4. Appropriation.** The following funds are appro-  
20      priated from the General Fund to carry out the purposes of  
21      this Act.

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23	<u>DEPARTMENT OF AGRICULTURE</u>
24	Board of Pesticide Control
25	Storage of illegal or obsolete pesticides
26	Unallocated <span style="float: right;">\$25,000</span>
27	These funds shall be used for
28	the purpose of the Revised
29	Statutes, Title 22, §1471-P.
30	Study
31	Unallocated <span style="float: right;">5,000</span>
32	These funds shall be used for the
33	study authorized in section 2.
34	These funds shall not lapse until
35	June 30, 1983.

36          **Emergency clause.** In view of the emergency cited in  
37      the preamble, this Act shall take effect when approved.

1

STATEMENT OF FACT

2 This State faces potentially severe problems relating  
3 to (1) the storage and disposal of illegal and obsolete pes-  
4 ticides and (2) handling of pesticide containers. The pur-  
5 pose of this bill is to remedy and avert these problems,  
6 quickly.

7 Farmers, foresters, greenhouse owners and other citi-  
8 zens in this State have on hand tons of pesticides that are  
9 illegal to use, DDT for example, or that are obsolete  
10 because they have been superseded by more effective pesti-  
11 cides. For years, the State has encouraged that these be  
12 given to the State for storage and disposal. Several months  
13 ago, after great difficulty, the State disposed of 6 tons of  
14 these pesticides out-of-state.

15 The facility in which these were stored was at the  
16 Augusta airport and was unsafe because of its construction  
17 and location. For this reason, for the first time in 10  
18 years, the State is unable to accept such pesticides for  
19 storage and disposal. No one knows how much illegal and  
20 obsolete pesticides remain in the State, but knowledgeable  
21 people estimate that it is a minimum of 10 to 20 tons.

22 Commercial incinerators for their disposal are not  
23 generally available in Maine. Open burning of them causes  
24 toxic or objectionable gases, and acceptable landfills are  
25 not available. Improper storage or disposal results in con-  
26 tamination of surface and ground water. Innocent people  
27 will be harmed. It is the state's duty to intervene.

28 This bill authorizes the Board of Pesticide Control to  
29 construct or otherwise acquire a facility to store such pes-  
30 ticides and to dispose of them. The board may adopt rules  
31 to limit the quantity and nature of pesticides that it ac-  
32 cepts, and adopt fees where quantities and natures of pesti-  
33 cides impose special costs. An appropriation of \$25,000 is  
34 included for a facility. This amount is estimated to be  
35 sufficient to provide such a facility, including geological  
36 studies, special liners to prevent leaching into the soil,  
37 safety appliances and fences. The Board of Pesticide Con-  
38 trol has indicated that operating expenses could be met out  
39 of existing resources and that the facility could be oper-  
40 ating within 6 months of passage of the Bill. Further, it  
41 has indicated that it currently has enough funds for dis-  
42 posal of these pesticides, but not interim storage for a  
43 period of one to 2 years.

1           A 2nd problem is handling of used pesticide containers.  
2           Because there are no reporting requirements, no one knows  
3           how much current, legal pesticides are used in Maine each  
4           year. Estimates have been made that 1,000,000 pounds of ac-  
5           tive ingredients are applied each year, from well over  
6           25,000 containers. These containers, which contain residual  
7           pesticides, are frequently improperly, often innocently,  
8           disposed of. In a spot aerial survey, the pesticide board  
9           recently found over 60 cases of improper pesticide container  
10          storage that were worthy of prosecution.

11          The solution to this problem is not so simple. It re-  
12          quires study, and this bill authorizes and provides minimal  
13          funds for such a study. The study also evaluates the ille-  
14          gal and obsolete pesticide problem. The elements of the  
15          study include the following:

16           1. An evaluation of the siting of stations, including  
17          mobile stations, for the rinsing of used pesticide contain-  
18          ers; this has been the subject of pilot projects in other  
19          states, and appears to be settled as to the technology and  
20          to be feasible for Maine;

21           2. An evaluation of container deposit or tax schemes  
22          to be used as incentive to proper container handling and to  
23          pay some of the costs involved; for example, a deposit of \$2  
24          might be levied on the sale of a 55 gallon drum of pesti-  
25          cides, and 1/2 of that returned to the purchaser when it  
26          turned into a rinsing station; and

27           3. An evaluation of schemes to recycle or dispose of  
28          containers, for example, it is currently a profit-making  
29          proposition for an out-of-state firm to buy empty containers  
30          of the pesticides B. T., clean them, and resell them.

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