

MAINE STATE LEGISLATURE

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ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 2047

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 concurrence and ordered printed.

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

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-TWO

**AN ACT to Provide for the Storage and
Disposal of Illegal and Obsolete Pesticides
and Handling Empty Pesticides Containers.**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

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

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

Whereas, over 1 million pounds of active ingredients of 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 Constitu-
12 tion 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.

22

1981-82

23 DEPARTMENT OF AGRICULTURE

24 Board of Pesticide Control

25 Storage of illegal or obsolete pesticides \$25,000
26 Unallocated
27 These funds shall be used for
28 the purpose of the Revised
29 Statutes, Title 22, §1471-P.

30 Study

31 Unallocated 5,000
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.

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 active
5 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 requires study, and this bill authorizes and provides minimal
12 funds for such a study. The study also evaluates the illegal and obsolete pesticide problem. The elements of the
13 study include the following:

14 1. An evaluation of the siting of stations, including mobile stations, for the rinsing of used pesticide containers; this has been the subject of pilot projects in other states, and appears to be settled as to the technology and
15 to be feasible for Maine;

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

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