

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1692, L.D. 2247)

2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE
5

6 Legislative Document

No. 2455

7
8 H.P. 1854

House of Representatives, April 10, 1984

9 Reported by Representative Mitchell from the Committee on Energy and
10 Natural Resources and printed under Joint Rule 2.

Original bill presented by Representative Hall of Sangerville.

11 Cosponsored by Senator Kany of Kennebec and Representative Andrews of
Portland.

EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FOUR
17

18 AN ACT to Amend the Provisions of the Law
19 Relating to the Control of Hazardous Air
20 Pollutants.
21

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

24 Sec. 1. 22 MRSA §§1692-A, 1693-A and 1696 are
25 enacted to read:

26 §1692-A. Definitions

27 As used in this chapter, unless the context indi-
28 icates otherwise, the following terms have the follow-
29 ing meanings.

30 1. Bureau. "Bureau" means the Bureau of Health.

31 2. Director. "Director" means the Director of
32 the Bureau of Health or his designee.

1 §1693-A. Scientific Advisory Panel

2 1. Created. The department shall establish a
3 7-member Scientific Advisory Panel within the Bureau
4 of Health. The commissioner shall appoint members of
5 the panel from academic, medical, industrial or gov-
6 ernmental occupations, who shall serve for 3-year
7 terms, except that initially 3 members shall be ap-
8 pointed for 3 years, 2 members for 2 years and 2 mem-
9 bers for one year. The commissioner shall consult
10 with the Commissioner of Environmental Protection and
11 may consult with other departments on the selection
12 of panel members. Each member shall have profession-
13 al expertise in a scientific discipline directly re-
14 lated to the study or health effects of hazardous
15 pollutants, such as: Epidemiology, toxicology, ge-
16 netic toxicology, biostatistics, oncology, respirato-
17 ry medicine, industrial hygiene, occupational medi-
18 cine and atmospheric chemistry. The commissioner
19 shall determine the term of each appointee with the
20 restrictions provided by this section. The commis-
21 sioner shall appoint the chairman of the panel who
22 shall service for a one-year term.

23 Panel members shall serve without pay, but shall be
24 compensated for expenses incurred in carrying out
25 their duties.

26 2. Purpose and duties. The purpose of this sec-
27 tion is to establish a Scientific Advisory Panel
28 within the Department of Human Services, Bureau of
29 Health, which provides professional scientific peer
30 review and advice in order to assist the Environmen-
31 tal Health Unit in carrying out its responsibilities
32 in the Hazardous Air Pollution Program and other re-
33 lated duties regarding the public health impact of
34 chemical hazards in the environment.

35 The panel may review and evaluate potential health
36 risks associated with pollutants other than those in
37 the air. Requests for such a review shall be made to
38 the Director of the Bureau of Health. If the direc-
39 tor determines that the request is justified, the re-
40 quest shall be forwarded to the panel. The director
41 may assess any reasonable costs to the party making
42 the request.

1 3. Review based only on scientific considera-
2 tions. In view of the need for pure scientific con-
3 siderations in the review and evaluation of potential
4 health risks associated with pollutants, the panel is
5 prohibited from injecting political, economic and
6 technology considerations into their decision-making
7 process under this section.

8 4. Reports. The panel shall report its findings
9 to the Director of the Bureau of Health who shall
10 make them available to the public. Recommendations
11 by the panel shall be by majority vote with a written
12 opinion being provided. Any minority opinion shall
13 be included in the report.

14 §1696. Hazardous air pollutants

15 1. Findings and declaration of purpose. The
16 Legislature finds that:

17 A. Pure scientific considerations must govern
18 the review and evaluation of potential health
19 risks associated with chemical pollutants;

20 B. Scientific review and evaluation of potential
21 health risks associated with potential hazardous
22 air pollutants is an integral component of a suc-
23 cessful hazardous air pollutant control program;
24 and

25 C. The scientific review and evaluation is the
26 responsibility of the Department of Human Ser-
27 vices which is charged with the protection of the
28 public health and welfare and has the profession-
29 al expertise to assess potential public health
30 risks from chemical hazards.

31 2. Duties. The Department of Human Services,
32 through the Environmental Health Program in the Bu-
33 reau of Health, with the advice of and peer review by
34 the Scientific Advisory Panel, shall:

35 A. Collect and consider the health data for sub-
36 stances or classes of substances which are under
37 consideration for regulation as hazardous air
38 pollutants by the Board of Environmental Protec-
39 tion;

1 B. Establish a protocol for the health risk re-
2 view and evaluation of potentially hazardous air
3 pollutants for the following parameters:
4 Carcinogenicity; in vivo and in vitro
5 mutagenicity; teratogenicity; reproductive ef-
6 fects; neurotoxicity; acute and chronic revers-
7 ible and irreversible effects; pharmacokinetics
8 and pharmacodynamics; high-risk groups;
9 bioaccumulation; and atmospheric fate;

10 C. Report the health consequences of exposure to
11 various ambient air concentrations indicating a
12 range of risk levels for cancer-causing sub-
13 stances and the health consequences of exposure
14 to various ambient air concentrations of
15 noncancer-causing substances, after considering
16 the adequacy of the data base, animal to human
17 extrapolation, high-risk groups and any other
18 health-based considerations; and

19 D. Report whether exposure to the substance
20 should be considered for regulation by the Board
21 of Environmental Protection to protect public
22 health.

23 3. Requests for review. Requests for review
24 shall be as follows.

25 A. The bureau shall review or evaluate the po-
26 tential health risks associated with potentially
27 hazardous air pollutants at the request of:

28 (1) The director;

29 (2) The chairman of the Science Advisory
30 Panel;

31 (3) Four or more members of the Science Ad-
32 visory Panel; or

33 (4) The Commissioner of Environmental Pro-
34 tection following notice to the director of
35 the bureau.

36 B. Requests from parties other than those listed
37 in this subsection shall be reviewed by the Di-

1 rector of the Bureau of Health and, if justified,
2 shall be pursued. The director may assess any
3 reasonable costs to the party making those re-
4 quests.

5 4. Reporting. The director shall compile all
6 available information and prepare a report for each
7 substance, class of substances or pollutants evalu-
8 ated and submit this report to the commissioner, di-
9 rector or chairman of the group that requested the
10 health risk review and evaluation.

11 Sec. 2. 38 MRSA §585-C is enacted to read:

12 §585-C. Hazardous air pollutant emissions inventory

13 1. Findings and purpose. The Legislature finds
14 that advancing scientific knowledge increasingly dem-
15 onstrates that many air pollutants may reasonably be
16 anticipated to result in an increase in mortality or
17 an increase in serious irreversible, or
18 incapacitating reversible, illness to the residents
19 of the State. Accordingly, the Legislature concludes
20 that it is in the public interest to identify the ex-
21 tent of potential health risks.

22 2. Emissions inventory. The Department of Envi-
23 ronmental Protection shall carry out and maintain an
24 inventory of the sources in the State emitting any
25 substance which may be a hazardous air pollutant.

26 A. This inventory shall include the following
27 data for each of those substances:

28 (1) The number of sources;

29 (2) The location of each source or category
30 of source;

31 (3) The quantity emitted by each source or
32 category of source;

33 (4) The total emissions; and

34 (5) The percentage of total emissions gen-
35 erated by sources with existing air li-
36 censes.

1 B. In conducting this inventory, the department
2 may rely upon questionnaires or other reasonable
3 methods, including those established by the
4 United States Environmental Protection Agency,
5 for the purpose of carrying out this duty as
6 promptly and efficiently as possible. The de-
7 partment shall clearly indicate on any requests
8 for information the minimum amount of emissions
9 that must be reported.

10 C. In carrying out this inventory, the depart-
11 ment may require persons to provide information
12 on forms supplied by the department. Refusal to
13 provide the information shall subject the person
14 of whom it is requested to a civil penalty of not
15 more than \$100 for each day's delay. Submission
16 of a false information shall constitute a viola-
17 tion of section 349, subsection 3, in addition to
18 being subject to remedies otherwise available by
19 law.

20 D. Information relating to the emissions inven-
21 tory submitted to the department under this sec-
22 tion may be designated by the person submitting
23 it as being only for the confidential use of the
24 department. Designated confidential information
25 shall be handled as confidential information is
26 handled under section 131C-B, with the exception
27 of emissions data which shall be public record.

28 E. The department shall report the results of
29 its inventory to the Governor and the Legislature
30 on or before February 15, 1985.

31 Sec. 3. 38 MRSA §591, first ¶, as amended by PL
32 1971, c. 618, §12, is further amended to read:

33 No person shall may discharge air contaminants
34 into ambient air within a region in such manner as to
35 violate ambient air quality standards established by
36 the board pursuant to section 584 or emission stan-
37 dards so established pursuant to section 585 or
38 585-B.

39 Sec. 4. Appropriation. The following funds are
40 appropriated from the General Fund to carry out the
41 purpose of this Act.

1		<u>1984-85</u>
2	<u>HUMAN SERVICES, DEPARTMENT OF</u>	
3	Bureau of Health	
4	Positions	(1)
5	Personal Services	\$20,295
6	All Other	<u>15,000</u>
7	Total	\$35,295
8	<u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u>	
9	Bureau of Air Quality Control	
10	Positions	(2)
11	Personal Services	\$44,000
12	All Other	24,000
13	Capital Expenditures	<u>15,000</u>
14	Total	\$83,000

1 STATEMENT OF FACT

2 This new draft deletes major sections of the
3 original bill, especially those on acceptable ambient
4 levels, and changes in the regulatory program. In-
5 stead, present law is retained, and the new draft
6 adds a requirement for an inventory of sources of
7 hazardous air pollutants by the Department of Envi-
8 ronmental Protection, and provision is made for re-
9 view of the health risks of those pollutants by the
10 Environmental Health Program in the Department of Hu-
11 man Services, with scientific peer review provided by
12 a new Scientific Advisory Panel. The inventory is to
13 be reported to the Governor and the Legislature by
14 February 15, 1985.

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