

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 1944

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H.P. 1447

House of Representatives, December 20, 2001

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**An Act to Restrict the Availability of Products with Excessive Levels of Arsenic.**

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2001. Referred to the Committee on Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative COWGER of Hallowell.

Cosponsored by Representative McKEE of Wayne, Senator MARTIN of Aroostook and Representatives: DAIGLE of Arundel, DUPLESSIE of Westbrook, KOFFMAN of Bar Harbor, Senators: KILKELLY of Lincoln, NUTTING of Androscoggin, SAWYER of Penobscot, TREAT of Kennebec.

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

4 **Sec. 1. 7 MRSA §747, sub-§3** is amended to read:

6 **3. Other materials.** If it is found to contain any  
8 pulverized leather, hair, ground hoofs, horns, wool waste, peat,  
10 garbage tankage or any nitrogenous ingredients derived from any  
12 inert material whatsoever, unless the same has been so treated as  
14 to be available as plant food as determined by the methods  
16 adopted by the Association of Official Agricultural Chemists,  
without an explicit printed statement of fact, conspicuously  
affixed to the package of such fertilizer and accompanying and  
going with every lot or package of the same, in which fertilizer  
the above named materials aid in making up the required or  
guaranteed analysis; or

18 **Sec. 2. 7 MRSA §747, sub-§4** is enacted to read:

20 **4. Arsenic levels.** If it contains levels of total arsenic  
in excess of 500 parts per million.

22 **Sec. 3. Study of arsenic-containing materials.** The Department of  
24 Human Services, Bureau of Health and the Department of  
Environmental Protection shall jointly study and make  
26 recommendations concerning environmentally acceptable arsenic  
levels in other products and materials, including, but not  
28 limited to, pressure-treated wood. The departments shall submit  
legislation necessary to implement recommendations by November 1,  
2002 to the Legislature.

30 **SUMMARY**

32 This bill bans the sale of fertilizer with a total arsenic  
34 level of more than 500 parts per million and requires the  
Department of Environmental Protection and the Department of  
36 Human Services, Bureau of Health to study and make  
recommendations concerning environmentally acceptable arsenic  
38 levels in other products.