

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DATE: 3/21/06

(Filing No. H-861)

AGRICULTURE, CONSERVATION AND FORESTRY

Report B

Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "B" to H.P. 1330, L.D. 1890, Bill, "An Act To Make Revisions to the Laws Governing Pesticide Control"

Amend the bill by striking out all of section 7 and inserting in its place the following:

Sec. 7. 7 MRSA §607-A, as corrected by RR 1997, c. 2, §26 and amended by PL 2003, c. 689, Pt. B, §6, is further amended to read:

§607-A. Review or reregistration

1. Review required. The board shall review all chemical pesticides used in this State in accordance with the requirements of this section. ~~This review must be completed for presently registered pesticides on a schedule to be determined by the board, with restricted use pesticides and the most widely used pesticides receiving priority, and within 3 years for pesticides registered after September 23, 1983.~~ The board shall select 2 pesticides for review each year with priority given to pesticides that have patterns of use in this State that differ from prevalent use patterns nationally or regionally. The board may select additional pesticides for review as the board determines need and as resources allow.

2. Review process. In cooperation with technical personnel of the Department of Environmental Protection; the Department of Inland Fisheries and Wildlife; the Department of Health and Human

R. 018

Services; the Department of Marine Resources; and the Department of Conservation, specifically the Maine Forest Service, the board shall conduct a review ~~to include~~ consisting of the following or portions of the following as the board determines relevant:

A. An environmental risk assessment to determine the effects of pesticides on the ecosystem. This assessment is to be based on available literature. The board shall request data that it determines necessary to carry out the purpose of this chapter, ~~but, when the literature is not available, is inadequate or incomplete, this assessment shall be based on an environmental monitoring protocol; or~~

B. A health risk assessment, based on a literature search of laboratory, clinical and epidemiological data available within and without the State. The board shall request data it determines necessary to carry out the purpose of this chapter, ~~and,~~

~~C. A water residue survey to determine a representative sample of a number of wells or bodies of water, either at random, in areas of possible contamination or at other bases to be described by the board, for the purpose of testing these waters and preparing a profile of the kinds and amounts of pesticides present.~~

2-A. Water residue surveys. The board shall conduct a water residue survey at least once every 6 years to establish a representative sample of a number of wells or bodies of water, selected at random, in areas of possible contamination or at other locations to be described by the board, for the purpose of testing these waters and preparing a profile of the kinds and amounts of pesticides present.

3. **Effect of review on reregistration.** If the reviews in this section demonstrate that the impact of the pesticide on the ecosystem warrants additional health or environmental safeguards, the board shall require implementation of those safeguards prior to reregistration. The board may not refuse to renew a pesticides registration based solely on its inability to conduct a review in accordance with this section.

Further amend the bill in section 10 in §610 in subsection 2 in paragraph E in subparagraph (4) in the last line (page 18, line 48 in L.D.) by striking out the following: ";" and inserting in its place the following: '.'

Further amend the bill in section 10 in §610 in subsection 2 in paragraph E by adding at the end a blocked paragraph to read:

2 'Rules adopted under this paragraph and amendments to rules
4 adopted under this paragraph or adopted prior to August 1,
6 2006 that establish standards or notification requirements
8 for pesticides application are major substantive rules as
10 defined in Title 5, chapter 375, subchapter 2-A.'

SUMMARY

10 This amendment is a minority report of the Joint Standing
12 Committee on Agriculture, Conservation and Forestry. It revises
14 provisions for pesticides reviews by the Department of
16 Agriculture, Food and Rural Resources, Board of Pesticides
18 Control under the Maine Revised Statutes, Title 7, section
20 607-A. It directs the board to conduct a minimum of 2 reviews a
22 year. It allows the board to determine the review process and
24 clarifies that the board cannot refuse to renew a registration
26 based solely on its inability to conduct a review. It requires
the board to conduct a water residue survey at least once every 6
years. It designates rules relating to the application of
pesticides after the effective date of this legislation as major
substantive rules. It designates amendments to these rules and
amendments to previously adopted rules as major substantive when
the amendments establish standards for pesticide application or
notification requirements.