

MAINE STATE LEGISLATURE

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L.D. 1890

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DATE: 3/21/06

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AGRICULTURE, CONSERVATION AND FORESTRY

Report C

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

COMMITTEE AMENDMENT ^C 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

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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: "i" 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:

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2 'Rules adopted under this paragraph are major substantive
3 rules as defined in Title 5, chapter 375, subchapter 2-A.
4 Subsequent amendments to those rules are routine technical
5 rules as defined in Title 5, chapter 375, subchapter 2-A;'

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SUMMARY

10 This amendment is a minority report of the Joint Standing
11 Committee on Agriculture, Conservation and Forestry. It revises
12 provisions for pesticides reviews by the Department of
13 Agriculture, Food and Rural Resources, Board of Pesticides
14 Control under the Maine Revised Statutes, Title 7, section
15 607-A. It directs the board to conduct a minimum of 2 reviews a
16 year. It allows the board to determine the review process and
17 clarifies that the board cannot refuse to renew a registration
18 based solely on its inability to conduct a review. It requires
19 the board to conduct a water residue survey at least once every 6
20 years. It designates rules relating to the application of
21 pesticides after the effective date of this legislation as major
22 substantive rules. It designates amendments to these rules as
23 routine technical rules.

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