

MAINE STATE LEGISLATURE

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Committee of Conference Amendment

L.D. 1890

DATE: 4-28-06

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STATE OF MAINE
SENATE
122ND LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE OF CONFERENCE AMENDMENT "A" 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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COMMITTEE OF CONFERENCE AMENDMENT "A" to H.P. 1330, L.D. 1890

2 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
4 portions of the following as the board determines relevant:

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

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

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

26 2-A. Water residue surveys. The board shall conduct a
28 water residue survey at least once every 6 years to establish a
representative sample of a number of wells or bodies of water,
30 selected at random, in areas of possible contamination or at
other locations to be described by the board, for the purpose of
32 testing these waters and preparing a profile of the kinds and
amounts of pesticides present.

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

42 Further amend the bill in section 10 in §610 by striking out
44 all of the last paragraph (page 19, lines 28 to 30 in L.D.) and
inserting in its place the following:

46 '4. Designation of rules. Rules adopted under this
48 subchapter are routine technical rules as defined in Title 5,
chapter 375, subchapter 2-A unless otherwise specified or
50 designated in accordance with subsection 5.

Rule

2 5. Review of regulatory agenda; designation as major
3 substantive rules. Notwithstanding Title 5, section 8060,
4 subsection 2, the due date for the submission of a regulatory
5 agenda by the board under section 8060 is January 15th. The
6 board shall annually submit a regulatory agenda complying with
7 Title 5, section 8060, subsection 1 to the joint standing
8 committee of the Legislature having jurisdiction over pesticides
9 regulation. The legislative committee of jurisdiction shall
10 complete its review of the board's regulatory agenda no later
11 than February 15th of each year. The committee may report out
12 legislation no later than February 20th to designate any rule on
13 the board's regulatory agenda as a major substantive rule subject
14 to legislative review under Title 5, chapter 375, subchapter 2-A.'

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SUMMARY

20 This amendment is the committee of conference amendment. It
21 revises provisions for pesticides reviews by the Department of
22 Agriculture, Food and Rural Resources, Board of Pesticides
23 Control under the Maine Revised Statutes, Title 7, section
24 607-A. It directs the board to conduct a minimum of 2 reviews a
25 year. It allows the board to determine the review process and
26 clarifies that the board cannot refuse to renew a registration
27 based solely on its inability to conduct a review. It requires
28 the board to conduct a water residue survey at least once every 6
29 years.

30 The amendment also requires the Board of Pesticides Control
31 to submit its regulatory agenda each year by January 15th. The
32 legislative committee of jurisdiction is required to review the
33 agenda by February 15th and is authorized to report out
34 legislation designating any rule on the agenda as a major
35 substantive rule.

FISCAL NOTE REQUIRED
(See Attached)

CONFERENCE AMENDMENT



Approved: 04/27/06 *MAC*

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LD 1890

LR 2618(07)

An Act To Make Revisions to the Laws Governing Pesticide Control

Fiscal Note for Committee of Conference Amendment "A"
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Other Special Revenue Funds