

MAINE STATE LEGISLATURE

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L.D. 494

Date: 6/1/19

Report A

(Filing No. H-508)

AGRICULTURE, CONSERVATION AND FORESTRY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
124TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 349, L.D. 494, "Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control"

Amend the resolve in section 1 in the last line (page 1, line 19 in L.D.) by striking out the following: "authorized." and inserting the following:

'authorized but only if the following revisions are made:

1. The provision that a detectable pesticide residue in a sensitive area likely to be occupied is considered prima facie evidence that pesticides were not applied in a manner to minimize pesticide drift is removed and replaced with a provision that pesticide residues in a sensitive area likely to be occupied that are 1% or greater of the intended residue in the target area is prima facie evidence that the applicator did not apply the pesticides in a manner to minimize pesticide drift to the maximum extent practicable;

2. The language regarding prima facie evidence is rewritten to clarify that detection of residue is not prima facie evidence of a violation but rather evidence that the application was not conducted in a manner to minimize drift to the maximum extent practicable. The board must review the site-specific application checklist completed by the applicator and other relevant information to determine if a violation has occurred;

3. Specific distances for buffer zones must be removed from the rule, allowing site-specific buffer zones to be used; and

4. That section of the rule that establishes documentation of human illness as a standard of harm must be revised to state that for this standard to be met the board must receive verification from 2 physicians that an individual has experienced a negative health effect from exposure to an applied pesticide and that the effect is consistent with epidemiological documentation of human sensitivity to the applied pesticide.

The Board of Pesticides Control is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.'

COMMITTEE AMENDMENT

SUMMARY

This amendment is the majority report of the Joint Standing Committee on Agriculture, Conservation and Forestry. It authorizes final adoption of Chapter 22 of the Board of Pesticides Control's rules, but only if specific revisions are made.

FISCAL NOTE REQUIRED

(See attached)



124th MAINE LEGISLATURE

LD 494

LR 1897(02)

Resolve, Regarding Legislative Review of Portions of Chapter 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order To Minimize Off-target Deposition, a Major Substantive Rule of the Department of Agriculture, Food and Rural Resources, Board of Pesticides Control

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - Other Special Revenue Funds

Fiscal Detail and Notes

Additional costs to the Department of Agriculture, Food and Rural Resources associated with rulemaking can be absorbed within existing budgeted resources.