

# 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)

SMY  
FOES

L.D. 1182

Date: 6/14/17 Minority

(Filing No. H-506)

AGRICULTURE, CONSERVATION AND FORESTRY

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

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
128TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 819, L.D. 1182, Bill, "An Act Regarding the Disclosure of Hormone-disrupting Chemicals in Packaged Food"

Amend the bill in section 1 in chapter 522 in the 2nd line (page 1, line 4 in L.D.) by striking out the following: "**OR BEVERAGE**"

Amend the bill in section 1 in §2231 by striking out all of subsections 3 to 6 (page 1, lines 13 to 28 in L.D.) and inserting the following:

3. Food packaging. "Food packaging" or "food package" means a container or wrapper intended to be in contact with food and used to store food for sale. "Food packaging" or "food package" includes, but is not limited to, boxes, foil or plastic wrapping, paper and aluminum or other metal cans and pouches.

4. Food product. "Food product" means any food that is contained in a food package at the time of sale.

5. Manufacturer. "Manufacturer" means a person who manufactured a food product or whose brand name is affixed to the food product. In the case of a food product that was imported into the United States, "manufacturer" includes the importer or first domestic distributor of the food product if the person who manufactured or assembled the food product or whose brand name is affixed to the food product does not have a presence in the United States.

6. Ortho-phthalates. "Ortho-phthalates" refers to any of the following chemicals belonging to the class of ortho-phthalates:

A. Di (2-ethylhexyl) phthalate, DEHP;

B. Dibutyl phthalate, DBP;

C. Benzyl butyl phthalate, BBP;

D. Diethyl phthalate, DEP; and

E. Any ortho-phthalate identified and listed as a chemical of high concern pursuant to Title 38, section 1693-A on or after the effective date of this paragraph.'

**COMMITTEE AMENDMENT**

ROFS

COMMITTEE AMENDMENT "A" to H.P. 819, L.D. 1182

1 Amend the bill in section 1 in §2231 in subsection 7 in the 2nd line (page 1, line 30 in  
2 L.D.) by striking out the following: "or beverage"

3 Amend the bill in section 1 in §2232 in the first line (page 1, line 32 in L.D.) by  
4 striking out the following: "or beverage"

5 Amend the bill in section 1 in §2232 in subsection 1 in the first line (page 1, line 33  
6 in L.D.) by striking out the following: "or beverage"

7 Amend the bill in section 1 in §2232 in subsection 1 in the 3rd line (page 1, line 35 in  
8 L.D.) by striking out the following: "or beverage"

9 Amend the bill in section 1 in §2232 in subsection 1 in the first paragraph in the last  
10 line (page 2, line 2 in L.D.) by striking out the following: "minimus" and inserting the  
11 following: 'minimis'

12 Amend the bill in section 1 in §2232 in subsection 1 in paragraph A (page 2, line 3 in  
13 L.D.) by striking out the following: "or beverage"

14 Amend the bill in section 1 in §2232 in subsection 1 in paragraph B (page 2, line 4 in  
15 L.D.) by striking out the following: "or beverage"

16 Amend the bill in section 1 in §2232 in subsection 2 in paragraph A in the first line  
17 (page 2, line 8 in L.D.) by striking out the following: "or beverage"

18 Amend the bill in section 1 in §2232 in subsection 2 in paragraph B in the first line  
19 (page 2, line 10 in L.D.) by striking out the following: "or beverage"

20 Amend the bill in section 1 in §2232 in subsection 2 by striking out all of paragraph  
21 C (page 2, lines 12 and 13 in L.D.) and inserting the following:

22 'C. Whether the food product within the food packaging contains ortho-phthalates or  
23 other chemicals.'

24 Amend the bill in section 1 in §2232 in subsection 2 in paragraph D in the first line  
25 (page 2, line 14 in L.D.) by striking out the following: "or beverage"

26 Amend the bill in section 1 in §2232 in subsection 2 by striking out all of paragraphs  
27 E to G (page 2, lines 16 to 22 in L.D.) and inserting the following:

28 'E. The chemical abstracts service registry numbers of the ortho-phthalates;

29 F. The amount of each ortho-phthalate detected in each unit of the food product; and

30 G. The intended purpose of each ortho-phthalate subject to reporting in the food  
31 product.'

32 Amend the bill in section 1 in §2232 in subsection 3 in paragraph A (page 2, line 25  
33 in L.D.) by inserting after the following: "alcoholic" the following: 'or nonalcoholic'

34 Amend the bill in section 1 in §2232 in subsection 3 in paragraph B in the first and  
35 2nd lines (page 2, lines 26 and 27 in L.D.) by striking out the following: "and beverage"

36 Amend the bill in section 1 by striking out all of §2233 (page 2, lines 30 to 34 in  
37 L.D.) and inserting the following:

ROFS

1 **'§2233. Departmental authority to further investigate food contamination**

2 **1. Disclosure of other chemicals of concern.** After receiving initial written notice  
3 required by this chapter, the department may require a manufacturer to disclose the  
4 chemical abstracts service registry numbers of other chemicals contained in the food  
5 packaging or food product that appear on the material safety data sheets required under  
6 29 Code of Federal Regulations, Section 1910.1200.

7 **2. Disclosure of presence of ortho-phthalates in materials used in production.**  
8 After receiving initial written notice required by this chapter, the department may require  
9 a manufacturer to disclose the presence of ortho-phthalates in materials used in food  
10 production to determine additional sources of ortho-phthalate contamination.'

11 Amend the bill by inserting after section 1 the following:

12 **'Sec. 2. Appropriations and allocations.** The following appropriations and  
13 allocations are made.

14 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**

15 **Division of Quality Assurance and Regulation 0393**

16 Initiative: Provides a one-time appropriation in fiscal year 2017-18 for construction of a  
17 database and website.

18	<b>GENERAL FUND</b>	<b>2017-18</b>	<b>2018-19</b>
19	All Other	\$200,000	\$0
20			
21	<b>GENERAL FUND TOTAL</b>	<u>\$200,000</u>	<u>\$0</u>

22 **Division of Quality Assurance and Regulation 0393**

23 Initiative: Provides ongoing allocations beginning in fiscal year 2017-18 for database and  
24 website maintenance.

25	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2017-18</b>	<b>2018-19</b>
26	All Other	\$50,000	\$50,000
27			
28	<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<u>\$50,000</u>	<u>\$50,000</u>

29 **AGRICULTURE, CONSERVATION AND**  
30 **FORESTRY, DEPARTMENT OF**  
31 **DEPARTMENT TOTALS**

32		<b>2017-18</b>	<b>2018-19</b>
33	<b>GENERAL FUND</b>	<b>\$200,000</b>	<b>\$0</b>
34	<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>\$50,000</b>	<b>\$50,000</b>
35		<u></u>	<u></u>

ROFS

1	<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$250,000</b>	<b>\$50,000</b>
2			

3 **SUMMARY**

4 This amendment, which is the minority report of the committee, provides that the  
5 requirements of the bill apply only to food products and manufacturers and distributors of  
6 food products, but not to beverages or manufacturers or distributors of beverages. It  
7 retains the provision that authorizes the department to assess a fee on manufacturers and  
8 distributors. The amendment also narrows the group of chemicals included in the  
9 reporting requirement to 4 chemicals belonging in the class of ortho-phthalates and any  
10 other ortho-phthalate identified and listed as a chemical of high concern by the  
11 Department of Environmental Protection after this legislation takes effect. The  
12 amendment also adds an appropriations and allocations section.

13 **FISCAL NOTE REQUIRED**

14 **(See attached)**



# 128th MAINE LEGISLATURE

LD 1182

LR 1588(02)

## An Act Regarding the Disclosure of Hormone-disrupting Chemicals in Packaged Food

Fiscal Note for Bill as Amended by Committee Amendment *A (H-506)*  
Committee: Agriculture, Conservation and Forestry  
Fiscal Note Required: Yes

### Fiscal Note

	FY 2017-18	FY 2018-19	Projections FY 2019-20	Projections FY 2020-21
<b>Net Cost (Savings)</b>				
General Fund	\$200,000	\$0	\$0	\$0
<b>Appropriations/Allocations</b>				
General Fund	\$200,000	\$0	\$0	\$0
Other Special Revenue Funds	\$50,000	\$50,000	\$50,000	\$50,000
<b>Revenue</b>				
Other Special Revenue Funds	\$50,000	\$50,000	\$50,000	\$50,000

### Fiscal Detail and Notes

This bill requires the Department of Agriculture, Conservation, and Forestry (ACF) to solicit information from manufacturers and distributors of food products regarding the presence of certain chemicals in their food or food packaging and to make a database of this information available to the public. The bill allows ACF to assess a fee on manufacturers and distributors to cover the cost of the program. This fiscal note assumes that roughly 500 manufacturers and distributors of food or food products will meet the reporting criteria and will pay a \$100 annual fee that will generate annual Other Special Revenue Funds revenue of \$50,000 starting in fiscal year 2017-18. The bill includes Other Special Revenue Funds allocations of \$50,000 annually beginning in fiscal year 2017-18 for ongoing maintenance of the database and website. The ACF has indicated there will be considerable start-up costs for construction of the database and website. As this work will need to begin well before revenue begins to be received from the new fee, the bill also includes a one-time General Fund appropriation of \$200,000 in fiscal year 2017-18 for contracts with vendors to create the database and website.

While this bill only requires ACF to solicit information from manufacturers and distributors and to provide a compilation of this information to the public, the department has indicated it would likely seek to establish a laboratory testing program to certify compliance. This testing program would require additional appropriations for purchase of laboratory equipment, laboratory fit up and ongoing maintenance. These costs are not included in this fiscal note.