

MAINE STATE LEGISLATURE

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Date: 6-7-21

L.D. 1503

(Filing No. H-432)

3

ENVIRONMENT AND NATURAL RESOURCES

4

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

5

STATE OF MAINE

6

HOUSE OF REPRESENTATIVES

7

130TH LEGISLATURE

8

FIRST SPECIAL SESSION

9 COMMITTEE AMENDMENT "A" to H.P. 1113, L.D. 1503, "An Act To Stop
10 Perfluoroalkyl and Polyfluoroalkyl Substances Pollution"

11 Amend the bill by inserting after the title and before the enacting clause the following:

12 **'Emergency preamble. Whereas,** acts and resolves of the Legislature do not
13 become effective until 90 days after adjournment unless enacted as emergencies; and

14 **Whereas,** contamination of soil and water in the State from perfluoroalkyl and
15 polyfluoroalkyl substances, or PFAS, poses a significant threat to the environment of the
16 State and to the health of its citizens; and

17 **Whereas,** the full extent of PFAS contamination in the State is not presently known
18 but is anticipated to be widespread and to require a significant expenditure of resources to
19 identify and remediate; and

20 **Whereas,** PFAS continue to be used across a variety of industries for a variety of
21 purposes and are ultimately contained in a variety of products sold in the State; and

22 **Whereas,** to address the imminent threat of further contamination of soil and water in
23 the State, it is imperative to collect information regarding the use of PFAS in and to phase
24 out the sale of certain nonessential products containing PFAS, as proposed in this
25 legislation; and

26 **Whereas,** in the judgment of the Legislature, these facts create an emergency within
27 the meaning of the Constitution of Maine and require the following legislation as
28 immediately necessary for the preservation of the public peace, health and safety; now,
29 therefore,'

30 Amend the bill in section 1 in §1612 in subsection 2 in paragraph C in the last line
31 (page 2, line 12 in L.D.) by inserting after the following: "information" the following: 'or
32 when requested to do so by the department'

33 Amend the bill in section 1 in §1612 in subsection 5 in paragraph C by inserting at the
34 end a new blocked paragraph to read:

COMMITTEE AMENDMENT

1 'Rules adopted pursuant to this paragraph are major substantive rules as defined in Title
2 5, chapter 375, subchapter 2-A.'

3 Amend the bill in section 1 in §1612 in subsection 6 in the last 2 lines (page 3, lines 10
4 and 11 in L.D.) by striking out the following: "The department may choose to set fees based
5 upon the volume of PFAS, volume of sales or type of PFAS."

6 Amend the bill in section 1 in §1612 by striking out all of subsection 7 (page 3, lines
7 12 to 19 in L.D.) and inserting the following:

8 **7. Failure to provide notice.** A person may not sell, offer for sale or distribute for
9 sale in the State a product containing intentionally added PFAS if the manufacturer has
10 failed to provide the information required under subsection 2.

11 A. The department may exempt a product from the prohibition under this subsection
12 if the department determines that the use of PFAS in the product is a currently
13 unavoidable use.

14 B. The prohibition in this subsection does not apply to a retailer in the State unless the
15 retailer sells, offers for sale or distributes for sale in the State a product for which the
16 retailer has received a notification pursuant to subsection 8, paragraph B that the sale
17 of the product is prohibited.'

18 Amend the bill in section 1 in §1612 by striking out all of subsections 9 and 10 (page
19 3, lines 28 to 43 and page 4, lines 1 to 3 in L.D.) and inserting the following:

20 **9. PFAS source reduction program.** To the extent funds are available and in
21 consultation with relevant stakeholders, the department shall develop and implement a
22 program to reduce the presence of PFAS in discharges to air, water and land by encouraging
23 the use of safer alternatives and the proper management of materials containing PFAS. The
24 program may include:

25 A. Information resources targeted to industrial or commercial users of PFAS;

26 B. Education of the general public;

27 C. To the extent funds are available, grants to operators of publicly owned treatment
28 works for the purposes of developing, expanding or implementing pretreatment
29 standards for PFAS and education of users on sources of PFAS and proper
30 management;

31 D. To the extent funds are available, grants to municipalities for the purposes of
32 educating solid waste disposal users on sources of PFAS and proper management; and

33 E. Other efforts determined by the department to be prudent to achieve the program's
34 purpose.

35 **10. Rules.** The department shall adopt rules to implement this section. Except as
36 provided in subsection 5, paragraph C, rules adopted to implement this section are routine
37 technical rules as defined in Title 5, chapter 375, subchapter 2-A.'

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

39 **Sec. 2. Appropriations and allocations.** The following appropriations and
40 allocations are made.

41 ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Maine Environmental Protection Fund 0421

Initiative: Provides one-time funding for rule-making costs.

GENERAL FUND	2021-22	2022-23
All Other	\$12,500	\$0
GENERAL FUND TOTAL	\$12,500	\$0

Maine Environmental Protection Fund 0421

Initiative: Provides funding for one Public Service Coordinator I position and related All Other costs.

GENERAL FUND	2021-22	2022-23
POSITIONS - LEGISLATIVE COUNT	1.000	1.000
Personal Services	\$103,027	\$107,939
All Other	\$8,378	\$8,378
GENERAL FUND TOTAL	\$111,405	\$116,317

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF
DEPARTMENT TOTALS**

	2021-22	2022-23
GENERAL FUND	\$123,905	\$116,317
DEPARTMENT TOTAL - ALL FUNDS	\$123,905	\$116,317

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment adds an emergency preamble and emergency clause to the bill. It designates as major substantive rules any rules adopted by the Department of Environmental Protection to identify products by category or use that may not be sold, offered for sale or distributed for sale in this State if they contain intentionally added PFAS. It clarifies the scope of the PFAS source reduction program proposed in the bill and provides that the department is required to implement the program only to the extent funds are available to do so. It makes other technical changes and clarifications to the bill.

FISCAL NOTE REQUIRED

(See attached)



Approved: 06/06/21 *MAC*

130th MAINE LEGISLATURE

LD 1503

LR 942(02)

An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution

Fiscal Note for Bill as Amended by Committee Amendment

Committee: Environment and Natural Resources

Fiscal Note Required: Yes

A(H-432)

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$123,905	\$116,317	\$0	\$0
Appropriations/Allocations				
General Fund	\$123,905	\$116,317	\$0	
Other Special Revenue Funds	\$0	\$0	\$121,756	\$126,526
Revenue				
Other Special Revenue Funds	\$0	\$0	\$121,756	\$126,526

Fiscal Detail and Notes

This bill directs the Department of Environmental Protection (DEP) to create a regulatory program for products with intentionally added perfluoroalkyl and polyfluoroalkyl substances, or PFAS. Beginning January 1, 2023, manufacturers of products containing PFAS must report the presence of those substances to the DEP and the sale of certain products containing PFAS is prohibited. The DEP is instructed to use information reported by manufacturers to develop a list of additional products to add to the sales prohibition by January 1, 2030. The bill also allows the DEP to charge manufacturers fees to offset the costs of the reporting requirements and enforcement of the sales prohibitions.

The DEP has indicated that additional staffing and resources would be required to develop the PFAS regulatory program. The bill includes one-time appropriations of \$111,405 in fiscal year 2021-22 and \$116,317 in fiscal year 2022-23 for one Public Service Coordinator I position and associated costs. The bill also includes a one-time appropriation of \$12,500 in fiscal year 2021-22 for rule-making costs. The DEP will require allocations of \$121,756 in fiscal year 2023-24 and \$126,526 in fiscal year 24-25 to continue the Public Service Coordinator I position. It is anticipated that the DEP will be able to fund the increased allocations with the new fees.