

MAINE STATE LEGISLATURE

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Date: 4-5-22

(Filing No. H-930)

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MINORITY

AGRICULTURE, CONSERVATION AND FORESTRY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1501, L.D. 2019, "An Act To Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances"

Amend the bill in section 1 in subsection 22-A in the last 3 lines (page 1, lines 4 to 6 in L.D.) by striking out the following: "means substances that include any member of the class of fluorinated organic chemicals containing at least 2 fully fluorinated carbon atoms" and inserting the following: 'has the same meaning as in Title 32, section 1732, subsection 5-A'

Amend the bill in section 2 in subsection 25 by inserting after paragraph C the following:

'"Pesticide" includes a highly toxic pesticide.'

Amend the bill by striking out all of section 3 and inserting the following:

'**Sec. 3. 7 MRSA §604, sub-§31-A** is enacted to read:

31-A. Spray adjuvant. "Spray adjuvant" means any wetting agent, spreading agent, sticker, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier or similar agent that is intended to be used with any other pesticide as an aid to the application or the effect of it and that is in a package or container separate from that of the other pesticide.'

Amend the bill in section 4 in subsection 1 by striking out all of paragraph I (page 2, lines 5 to 7 in L.D.) and inserting the following:

'I. Beginning January 1, 2030, a pesticide that contains intentionally added PFAS that may not be sold or distributed pursuant to Title 38, section 1614, subsection 5, paragraph D.'

Amend the bill by inserting after section 6 the following:

'**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

COMMITTEE AMENDMENT

1 **AGRICULTURE, CONSERVATION AND FORESTRY, DEPARTMENT OF**
 2 **Office of the Commissioner 0401**

3 Initiative: Provides funding for position technology and STA-CAP costs.

4 GENERAL FUND	2021-22	2022-23
5 All Other	\$0	\$9,741
6		
7 GENERAL FUND TOTAL	\$0	\$9,741

9 OTHER SPECIAL REVENUE FUNDS	2021-22	2022-23
10 All Other	\$0	\$1,761
11		
12 OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$1,761

13 **Pesticides Control - Board of 0287**

14 Initiative: Provides funding for one Environmental Specialist III position, one part-time
 15 Environmental Specialist II position, one part-time Office Associate II position and
 16 associated All Other costs.

17 GENERAL FUND	2021-22	2022-23
18 POSITIONS - LEGISLATIVE COUNT	0.000	1.000
19 POSITIONS - FTE COUNT	0.000	1.000
20 Personal Services	\$0	\$168,311
21 All Other	\$0	\$10,500
22		
23 GENERAL FUND TOTAL	\$0	\$178,811

24
 25 **AGRICULTURE, CONSERVATION AND**
 26 **FORESTRY, DEPARTMENT OF**
 27 **DEPARTMENT TOTALS**

	2021-22	2022-23
29 GENERAL FUND	\$0	\$188,552
30 OTHER SPECIAL REVENUE FUNDS	\$0	\$1,761
31		
32 DEPARTMENT TOTAL - ALL FUNDS	\$0	\$190,313

33
 34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
 35 number to read consecutively.

36 **SUMMARY**

37 This amendment changes the definition of perfluoroalkyl and polyfluoroalkyl
 38 substances or PFAS to mean substances that include any member of the class of fluorinated
 39 organic chemicals containing at least one fully fluorinated carbon atom rather than 2 fully
 40 fluorinated carbon atoms as in the bill.

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Current law defines a pesticide to include a highly toxic pesticide. The amendment adds this provision to the bill.

The amendment changes the definition of "spray adjuvant."

Because of the change in the definition of PFAS, the amendment clarifies that, beginning January 1, 2030, a person may not distribute in the State a pesticide that contains intentionally added PFAS that may not be sold or distributed under the Maine Revised Statutes, Title 38, section 1614, subsection 5, paragraph D.

FISCAL NOTE REQUIRED
(See attached)



130th MAINE LEGISLATURE

LD 2019

LR 2641(02)

An Act To Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances

Fiscal Note for Bill as Amended by Committee Amendment *(ACH-930)*

Committee: Agriculture, Conservation and Forestry

Fiscal Note Required: Yes

Fiscal Note

	FY 2021-22	FY 2022-23	Projections FY 2023-24	Projections FY 2024-25
Net Cost (Savings)				
General Fund	\$0	\$188,552	\$196,967	\$205,803
Appropriations/Allocations				
General Fund	\$0	\$188,552	\$196,967	\$205,803
Other Special Revenue Funds	\$0	\$1,761	\$1,761	\$1,761

Fiscal Detail and Notes

This bill authorizes the Board of Pesticides Control (BPC) within the Department of Agriculture, Conservation and Forestry to regulate the use of spray adjuvants. It prohibits the use of pesticides that contain PFAS beginning January 1, 2030. The bill includes ongoing General Fund appropriations of \$188,552 beginning in fiscal year 2022-23 for one full-time Environmental Specialist III position, one part-time Environmental Specialist II position, one part-time Office Associate II position and related costs for the registration of adjuvants and maintenance of the database. The bill also includes ongoing allocations of \$1,761 beginning in fiscal year 2022-23 for position technology costs and STACAP expenses.