

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 2021

S.P. 731

In Senate, March 9, 2022

An Act To Collect Pesticide Sales and Use Records for the Purpose of Providing Information to the Public

Reported by Senator DILL of Penobscot for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2021, chapter 54, section 1.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 7 MRSA §607, sub-§2, ¶B**, as enacted by PL 1975, c. 382, §3, is amended
3 to read:

4 B. The name of the pesticide; and information about the pesticide available to the
5 applicant at the time of registration, including, but not limited to:

6 (1) The pounds of active ingredients per gallon of liquid formulations of the
7 pesticide;

8 (2) The type of pesticide;

9 (3) The expected type of use of the pesticide described in a manner specified by
10 the board; and

11 (4) Information on the pesticide product label that describes the acute toxicity of
12 the formulated pesticide product or other toxicity data specified by the board;

13 **Sec. 2. 22 MRSA §1471-C, sub-§4-A** is enacted to read:

14 **4-A. Commercial agricultural producer.** "Commercial agricultural producer"
15 means a person who produces an agricultural commodity for commercial purposes.

16 **Sec. 3. 22 MRSA §1471-G, sub-§2**, as amended by PL 1983, c. 819, Pt. A, §50, is
17 further amended to read:

18 **2. Applicators, agricultural producers and firms to maintain certain records.** All
19 commercial applicators, commercial agricultural producers and spray contracting firms
20 shall maintain, for a period of at least 2 years, records indicating the type and amount of
21 pesticide used, the area of use and such other information as the board may require. ~~Said~~
22 ~~applicators and firms~~ shall provide such information, notification and reports as the board,
23 by ~~regulation~~ rule, may require.

24 **Sec. 4. 22 MRSA §1471-G, sub-§3** is enacted to read:

25 **3. Confidential information.** Information provided to the board by commercial
26 agricultural producers to fulfill reporting requirements under this chapter is public unless
27 designated as confidential by the board. A commercial agricultural producer to whom the
28 information belongs or pertains may request that the information it has provided be
29 designated as confidential and the board may designate the information as confidential if
30 the board determines the information contains proprietary information. For the purposes
31 of this subsection, "proprietary information" means information that is a trade secret or
32 production, commercial or financial information the disclosure of which would impair the
33 competitive position of the person submitting the information and would make available
34 information not otherwise publicly available.

35 **Sec. 5. 22 MRSA §1471-W, sub-§3**, as repealed and replaced by PL 1997, c. 139,
36 §1, is amended to read:

37 **3. Records; reporting.** Any person who distributes general use pesticides ~~to licensed~~
38 ~~general use pesticide dealers~~ in the State shall keep and maintain records of these sales for
39 annual reporting purposes. These annual reports must be submitted electronically and
40 include the names of all licensed general use pesticide dealers any person to whom general
41 use pesticides were distributed, the names of the pesticides, the United States

1 Environmental Protection Agency registration number and the quantity sold. These records
2 must be kept for 2 years after the end of the calendar year. ~~For the purposes of this~~
3 ~~subsection, "distributes" means sells, ships or delivers general use pesticides to a licensed~~
4 ~~general use pesticide dealer engaged in retail sales.~~ The board may adopt rules to further
5 clarify who is responsible for reporting under this subsection. Rules adopted pursuant to
6 this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter H-
7 A 2-A.

8 **Sec. 6. Board of Pesticides Control; rules; record-keeping and reporting**
9 **requirements.** The Department of Agriculture, Conservation and Forestry, Board of
10 Pesticides Control shall amend its rule Chapter 50: Record Keeping and Reporting
11 Requirements to:

- 12 1. Modify the commercial use summary report to require identification of pesticide
13 applications on school grounds; and
- 14 2. Require electronic submission of commercial applicator use annual summary
15 reports and restricted use pesticide dealer sales annual summary reports.

16 **Sec. 7. Board of Pesticides Control; stakeholder meetings.** The Department
17 of Agriculture, Conservation and Forestry, Board of Pesticides Control shall convene a
18 series of stakeholder meetings with parties required to submit sales and use reports to the
19 board and entities interested in sales and use data to understand the types of questions to
20 which the data might be applied. The board shall also consider data security issues for all
21 collected information and identify ways by which sales and use data can be collected and
22 protected. The board shall report findings and recommendations resulting from the
23 stakeholder meetings, including suggested legislation, to the joint standing committee of
24 the Legislature having jurisdiction over agriculture, conservation and forestry matters no
25 later than March 1, 2023. The joint standing committee may submit a bill to the First
26 Regular Session of the 131st Legislature relating to the subject matter of the report.

27 SUMMARY

28 This bill is reported out by the Joint Standing Committee on Agriculture, Conservation
29 and Forestry pursuant to Resolve 2021, chapter 54. The committee is reporting the bill out
30 for the sole purpose of turning the proposal into a printed bill that can be referred to the
31 committee for an appropriate public hearing and subsequent processing in the normal
32 course. The committee has not taken a position on the substance of this bill and by
33 reporting this bill out the committee is not suggesting and does not intend to suggest that it
34 agrees or disagrees with any aspect of this bill.

35 The bill requires an applicant for pesticide registration to include any information about
36 the pesticide available to the applicant at the time of registration, including, but not limited
37 to, pounds of active ingredients per gallon of liquid formulations of the pesticide; type of
38 pesticide; the expected type of use of the pesticide; and information on the pesticide product
39 label that describes the acute toxicity of the formulated pesticide product or other toxicity
40 data specified by the Department of Agriculture, Conservation and Forestry, Board of
41 Pesticides Control.

42 Current law requires all commercial applicators and spray contracting firms to maintain
43 records indicating the type and amount of pesticide used, the area of use and other

1 information the board may require by rule. The bill requires commercial agricultural
2 producers to also maintain records relating to pesticide sales and use.

3 The bill provides that information provided to the board by commercial agricultural
4 producers to fulfill reporting requirements is public unless designated as confidential by
5 the board. A commercial agricultural producer to whom the information belongs or
6 pertains may request that the information it has provided be designated as confidential, and
7 the board may designate the information as confidential if the board determines the
8 information contains proprietary information.

9 Current law requires any person who distributes general use pesticides to licensed
10 general use pesticide dealers in the State to keep and maintain records of sales for annual
11 reporting purposes. The bill requires any person who distributes pesticides in the State to
12 report the amount of sales regardless of to whom the sales are made. The bill requires any
13 person who distributes general use pesticides to submit required annual reports
14 electronically.

15 The bill requires the board to amend its rules relating to record-keeping and reporting
16 requirements to:

17 1. Modify the commercial use summary report to require identification of pesticide
18 applications on school grounds; and

19 2. Require electronic submission of commercial applicator use annual summary
20 reports and restricted use pesticide dealer sales annual summary reports.

21 The bill directs the board to convene a series of stakeholder meetings with parties
22 required to submit sales and use reports and entities interested in sales and use data to
23 understand the types of questions to which the data might be applied. The board is also
24 required to consider data security issues for all collected information and identify ways by
25 which sales and use data can be collected and protected. The board is required to submit a
26 report with findings and recommendations resulting from the stakeholder meetings,
27 including suggested legislation, to the joint standing committee of the Legislature having
28 jurisdiction over agriculture, conservation and forestry matters no later than March 1, 2023.
29 The joint standing committee is authorized to submit a bill to the First Regular Session of
30 the 131st Legislature relating to the subject matter of the report.