

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST REGULAR SESSION-2023

Legislative Document

No. 1214

S.P. 495

In Senate, March 20, 2023

An Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

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

DAREK M. GRANT
Secretary of the Senate

Presented by Senator BALDACCI of Penobscot.
Cosponsored by Senator: President JACKSON of Aroostook.

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

2 **Sec. 1. 7 MRSA §606, sub-§1, ¶G**, as amended by PL 2021, c. 673, §4, is further
3 amended to read:

4 G. Beginning January 1, 2022, a pesticide containing chlorpyrifos as an active
5 ingredient; or

6 **Sec. 2. 7 MRSA §606, sub-§1, ¶H**, as enacted by PL 2021, c. 673, §4, is amended
7 to read:

8 H. A pesticide that has been contaminated by perfluoroalkyl and polyfluoroalkyl
9 substances; ~~or~~

10 **Sec. 3. 7 MRSA §606, sub-§1, ¶I**, as enacted by PL 2021, c. 673, §4, is repealed.

11 **Sec. 4. 38 MRSA §1614, sub-§1, ¶D**, as enacted by PL 2021, c. 477, §1 and
12 reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

13 D. "Intentionally added PFAS" means PFAS added to a product or one of its product
14 components to provide a specific characteristic, appearance or quality or to perform a
15 specific function. ~~"Intentionally added PFAS" also includes any degradation by-~~
16 ~~products of PFAS.~~

17 **Sec. 5. 38 MRSA §1614, sub-§1, ¶F**, as enacted by PL 2021, c. 477, §1 and
18 reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

19 F. "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a group of
20 synthetic perfluoroalkyl and polyfluoroalkyl substances that ~~include any member of~~
21 ~~the class of fluorinated organic chemicals containing at least one fully fluorinated~~
22 ~~carbon atom~~ contain at least 2 sequential fully fluorinated carbon atoms, excluding
23 polymers, gases and volatile liquids.

24 **Sec. 6. 38 MRSA §1614, sub-§2, ¶A**, as enacted by PL 2021, c. 477, §1 and
25 reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

26 A. Beginning January 1, ~~2023~~ 2024, a manufacturer of a product for sale in the State
27 that contains intentionally added PFAS shall submit to the department a written
28 notification that includes:

- 29 (1) A brief description of the product;
- 30 (2) The purpose for which PFAS are used in the product, including in any product
31 components;
- 32 (3) The amount of each of the PFAS, identified by its chemical abstracts service
33 registry number, in the product, reported as an exact quantity determined using
34 commercially available analytical methods or as falling within a range approved
35 for reporting purposes by the department;
- 36 (4) The name and address of the manufacturer, and the name, address and phone
37 number of a contact person for the manufacturer; and
- 38 (5) Any additional information established by the department by rule as necessary
39 to implement the requirements of this section.

40 **Sec. 7. 38 MRSA §1614, sub-§2, ¶D** is enacted to read:

1 D. A manufacturer shall designate confidential business information claims in
2 accordance with the laws of the State and the Uniform Trade Secrets Act.

3 **Sec. 8. 38 MRSA §1614, sub-§5, ¶D**, as enacted by PL 2021, c. 477, §1 and
4 reallocated by RR 2021, c. 1, Pt. A, §54, is repealed.

5 **Sec. 9. 38 MRSA §1614, sub-§6**, as enacted by PL 2021, c. 477, §1 and reallocated
6 by RR 2021, c. 1, Pt. A, §54, is amended to read:

7 **6. Fees.** The department may establish by rule and assess a fee payable by a
8 manufacturer upon submission of the notification required under subsection 2 to cover the
9 department's reasonable costs in developing rules under subsection 5, ~~paragraphs~~ paragraph
10 C and D and administering the requirements of subsections 2 and 9.

11 **Sec. 10. Retroactivity.** That section of this Act that amends the Maine Revised
12 Statutes, Title 38, section 1614, subsection 2, paragraph A applies retroactively to January
13 1, 2023.

14 **SUMMARY**

15 This bill makes the following changes to the laws governing products containing
16 perfluoroalkyl and polyfluoroalkyl substances.

17 1. It changes the definitions of "intentionally added PFAS" and "perfluoroalkyl and
18 polyfluoroalkyl substances."

19 2. It changes the date for the requirement that a manufacturer of a product for sale in
20 the State that contains intentionally added PFAS submit a written notification to the
21 Department of Environmental Protection from January 1, 2023 to January 1, 2024. With
22 respect to this notification, it requires a manufacturer to designate confidential business
23 information claims in accordance with the laws of the State and the Uniform Trade Secrets
24 Act.

25 3. It removes the provision of law that provides that, effective January 1, 2030, a
26 person may not sell, offer for sale or distribute for sale in this State any product that contains
27 intentionally added PFAS, unless the department has determined by rule that the use of
28 PFAS in the product is a currently unavoidable use. Current law provides that the
29 department may by rule identify products by category or use that may not be sold, offered
30 for sale or distributed for sale in this State if they contain intentionally added PFAS and
31 that products in which the use of PFAS is a currently unavoidable use as determined by the
32 department may be exempted by the department by rule.