An Act To Prohibit Aerial Application of Perfluoroalkyl and Polyfluoroalkyl Substances

Received by the Clerk of the House on January 27, 2021. Referred to the Committee on Environment and Natural Resources pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Presented by Representative PLUECKER of Warren.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7 MRSA §606, sub-§2, ¶F, as amended by PL 2005, c. 620, §5, is further amended to read:

F. Refuse or otherwise fail to comply with the provisions of this subchapter, the rules adopted under this subchapter, or any lawful order of the board; or

Sec. 2. 7 MRSA §606, sub-§2, ¶G, as amended by PL 2005, c. 620, §5, is further amended to read:

G. Apply pesticides in a manner inconsistent with rules for pesticide application adopted by the board;

Sec. 3. 7 MRSA §606, sub-§2, ¶H is enacted to read:

H. Conduct an aerial application of a pesticide unless the board has determined that the pesticide has been analyzed by a 3rd-party entity not associated with the manufacturer of the pesticide who has determined that PFAS are not part of the formulation of the pesticide; or

Sec. 4. 7 MRSA §606, sub-§2, ¶I is enacted to read:

I. Conduct an aerial application of a pesticide if PFAS are part of the formulation of the pesticide.

Sec. 5. 7 MRSA §606, sub-§2, as amended by PL 2005, c. 620, §5, is further amended by enacting at the end a new blocked paragraph to read:

For purposes of this subsection, "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

SUMMARY

This bill prohibits the aerial application of a pesticide unless the Board of Pesticides Control has determined that the pesticide has been analyzed by a 3rd-party entity not associated with the manufacturer of the pesticide who has determined that perfluoroalkyl and polyfluoroalkyl substances, also known as PFAS, are not part of the formulation of the pesticide. The bill also prohibits the aerial application of a pesticide if perfluoroalkyl and polyfluoroalkyl substances are part of the formulation of the pesticide.