



Paul R. LePage, Governor

Mary C. Mayhew, Commissioner

Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel. (207) 287-8016
Fax (207) 287-9058; TTY (800) 606-0215

Environmental & Occupational Health
Tel. (207) 287-4311
Fax (207) 287-3981

FREQUENTLY ASKED QUESTIONS ON THE LEAD POISONING PREVENTION FEE

1. What is the Lead Poisoning Prevention Fee?

The Lead Poisoning Prevention Fee is a per-gallon fee imposed on the sale of paint in Maine to fund lead poisoning prevention programs that benefit community members and workers. The Lead Poisoning Prevention Fund (LPPF) is administered by the Maine Department of Health and Human Services (DHHS).

2. Who must pay the fee?

Generally, companies owning the brand name or private label of paint sold in Maine must pay the fee. For fee-paying purposes, the brand name or private label owners are considered manufacturers of the paint. However, where paint is imported from another country (such as Canada) for sale into Maine, the importer is required to pay the fee unless the brand label owner is subject to Maine's jurisdiction by virtue of doing sufficient business in the state. A company engaged in retail sales does not pay the fee unless it is also the brand name or private label owner and thus considered a paint manufacturer.

3. What if my company does not sell paint in Maine, or sells very little paint in Maine?

If your company sells less than 1,800 gallons of paint in Maine in a calendar year, the fee is waived. If your company does not sell any paint in Maine, the company is not subject to the fee. In either case, you may wish to submit a protective filing by completing the *State of Maine's Lead Poisoning Prevention Fee Annual Remittance Form* and checking the "Method 3" box in the Remittance Calculation section, to be sure DHHS is aware of your status.

4. What kinds of paint are subject to the fee?

Under the rules, all paint products included within the U.S. Census Bureau's Paint and Allied Products sector description, except for miscellaneous allied paint products, are subject to the fee. Thus, paint is defined broadly to include architectural coatings (such as interior and exterior paints, primers, stains, and lacquers), product finishes for original equipment manufacturers (such as finishes for vehicles, appliances, metals, and furniture), and special-purpose coatings (such as traffic marking paints, marine paints, and vehicle refinishing paints). Table 2 of the 2004 Census Report for this sector contains a list of the relevant paint product categories, is referenced in the rules, and appears on Maine's Environmental & Occupational Health Programs (EOHP) website at <http://www.maine.gov/dhhs/mecdc/environmental-health/eohp/>.

5. How do I calculate the amount of my company's fee?

The fee amount is 25 cents per gallon of paint sold in Maine, so you must convert the volume of paint you sold to the number of gallons. You can determine the amount of Maine paint sales in one of two ways; the choice is yours. If you can track actual Maine sales within the calendar

year, simply use that actual sales volume. Alternatively, you can assume Maine sales represent 0.42% of your national paint sales, and thereby multiply your company's national paint sales by 0.0042. Just indicate on the reporting form which method you chose.

6. Is the fee collected at the point of sale or paid by stores where paints are sold?

No. The fee is paid once per year by the corporate owner of the brand name or private label, covering all Maine paint sales for that company during the prior calendar year.

7. How does a company pay the fee?

The fee is paid by check and accompanied by the *State of Maine's Lead Poisoning Prevention Fee Annual Remittance Form* signed by a "responsible corporate official." For a corporation, a responsible corporate official is a senior manager of a company—defined as a president, vice-president, secretary, or treasurer—who is in charge of a principal business function, or another person performing a similar decision-making function. There are instructions on the form indicating to whom the check should be made payable, as well as the address to which the check and reporting form should be mailed.

8. When must the fee be paid?

The deadline for submission of the check and the reporting form is April 1 for the preceding calendar year. Accordingly, the fee payment and reporting form for 2013 are due no later than Monday, April 1, 2014.

9. What should I do if I want to keep the information on the reporting form confidential?

Check the box on the reporting form that indicates you wish to designate the submitted information as confidential. Information designated confidential will be segregated from DHHS's public records. Under the rules, you will be notified if a member of the public requests access to the information, and will then be provided an opportunity to demonstrate that the information should not be disclosed under applicable state law.

10. When will the fee lapse?

The law establishing the Lead Poisoning Prevention Fee states that the fee is repealed when the Commissioner of Health and Human Services certifies a period of 24 months has elapsed since the Department of Health and Human Services identified a child with an elevated blood lead level through screening by health care providers.

11. Whom should I contact if I need more information?

For additional information regarding submission of the fee and/or the activities supported by the fee, as well as the applicable law, regulations, and a copy of the reporting form, please go to the EOHP website at <http://www.maine.gov/dhhs/mecdc/environmental-health/eohp/>, or contact Andrew Smith, State Toxicologist and EOHP Director, as indicated below.

Phone: (207) 287-5189
Fax: (207) 287-3981
Email: andy.e.smith@maine.gov