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H.P. 185

House of Representatives, January 29, 2021

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.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative PLUECKER of Warren.

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

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

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

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

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

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

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

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

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

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

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

23 **SUMMARY**

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