



August 23, 2021

State of Maine Department of Agriculture, Conservation and Forestry
Board of Pesticides Control
28 State House Station
Augusta, ME 04333

RE: Regulatory Implementation of L.D. 264, Directing the Board of Pesticides Control to Gather Information Relating to Perfluoroalkyl and Polyfluoroalkyl Substances in the State

Dear Director Patterson and Members of the Board of Pesticides Control,

Thank you for the opportunity to provide input into the rulemaking process to implement the registered pesticide affidavit requirements of L.D. 264. The matter of perfluoroalkyl or polyfluoroalkyl substances potentially leaching from fluorinated high-density polyethylene containers has been newly identified and continues to evolve.

To provide the Board of Pesticides Control with definitive information on whether perfluoroalkyl or polyfluoroalkyl substances are intentionally used in the formulation of registered pesticides we propose the following:

The Confidential Statement of Formula (CSF) currently provided to U.S. EPA as part of the registration process under the Federal Insecticide Fungicide and Rodenticide Act would be provided for any products registered and sold into Maine as the affidavit requirement of Sec. 1 of L.D. 264, regarding "whether a perfluoroalkyl or polyfluoroalkyl substance is in the formulation of the registered pesticide." We believe the CSF for products sold into Maine provides the necessary information to meet the requirement; however, we qualify this proposal based upon the Department of Agriculture, Conservation and Forestry and Board of Pesticides Control having appropriate measures in place to keep this information confidential as provided for under federal law.

With respect to the other affidavit requirement of Sec. 1, regarding fluorinated high-density polyethylene containers, we propose the following:

The affidavit should be provided by a designated representative of each registrant representative, each of whom should attest to whether or not the registered pesticide has ever been stored, distributed or packaged in a fluorinated high-density polyethylene container, based on what is known by each representative and reasonably ascertainable by each. "Reasonably ascertainable" would necessitate a reasonable search of company records where this type of information would be expected to be found.

Further, we propose the affidavit for pesticide packaging be required upon registration or recertification only when there are significant packaging changes.

The affidavits as described above would fully discharge pesticide registrants from their obligations under Sec. 1 of L.D. 264.

Thank you for your consideration and please contact us with questions or if we can provide further information.

Sincerely,

A handwritten signature in black ink that reads "Chris Novak". The signature is written in a cursive, flowing style.

Chris Novak, President & CEO
CropLife America
4201 Wilson Boulevard
Arlington, VA 22203
202-296-1585

A handwritten signature in black ink that reads "Megan J. Provost". The signature is written in a cursive, flowing style.

Megan J. Provost, President
RISE (Responsible Industry for a Sound Environment)[®]
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