

Original Version of Maine Bill LD 1543

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

Sec. 1. 5 MRSA §1812-G is enacted to read:

§1812-G. Alternatives to the purchase of dioxin-forming products; evaluation

It is the policy of the State to avoid the purchase of dioxin-forming products whenever technically effective and reasonably affordable alternatives are available. The State Purchasing Agent, in consultation with the Department of Environmental Protection and the Executive Department, State Planning Office, shall inventory the State's purchase of supplies and materials composed in whole or in part of dioxin-forming products as defined in Title 38, section 1681. Based on this assessment, the State Purchasing Agent shall evaluate alternatives to, and establish goals for, the reduction of the purchase of supplies and materials composed in whole or in part of dioxin-forming products. The State Purchasing Agent shall report by January 15, 2003 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the results of this inventory and evaluation and on the State's efforts to purchase alternatives to supplies and materials composed in whole or in part of dioxin-forming products. The State Purchasing Agent shall include in the report any recommendations to increase or facilitate the purchase of the alternative supplies and materials.

Sec. 2. 12 MRSA §9324, sub-§7, as enacted by PL 1997, c. 512, §5, is amended to read:

7. Trash. Out-of-door burning of highly combustible trash is prohibited where municipal trash collection service is available and will accept those materials. Out-of-door burning of plastics, including dioxin-forming products as defined in Title 38, section 1681, subsection 2, rubber, styrofoam, metals, food wastes or chemicals is prohibited in all areas of the State.

For purposes of this subsection, the following terms have the following meanings.

A. "Highly combustible trash" means wooden boxes or other wood material, paper and cardboard.

B. "Municipal trash collection service" means any curbside trash collection service that is operated or contracted for by the municipality or that is required by municipal ordinance.

Sec. 3. 12 MRSA §9324, sub-§8 is enacted to read:

8. Construction and demolition debris. The burning of construction and demolition debris containing plastics, including dioxin-forming products as defined in Title 38, section 1681, is prohibited whether burned on-site or at municipal solid waste disposal facilities.

Sec. 4. 12 MRSA §9325, sub-§1, as amended by PL 1997, c. 512, §6, is further amended to read:

1. Permissible open burning with permit. When not prohibited by statute, rule of any state agency or local ordinance, the types of burning described in this subsection are allowed provided that a permit has been obtained from the town forest fire warden or from the forest ranger having jurisdiction over the location where the fire is to be set. The burning must be conducted according to the terms and conditions of the permit and may not create a nuisance. A permit is required for:

- A. Recreational campfires kindled when the ground is not covered by snow;
- B. Fires in conjunction with holiday and festive celebrations;
- C. Burning of solid or liquid fuels and structures for research or bona fide instruction and training of municipal, volunteer and industrial firefighters when conducted under the direct control and supervision of qualified instructors;
- D. Burning for agricultural purposes including, but not limited to, open burning of blueberry fields, potato tops and hayfields and prescribed burning for timberland management;
- E. Residential out-of-door burning of highly combustible trash as defined in section 9324, subsection 7 in open or enclosed incinerators where municipal trash collection service as defined in section 9324, subsection 7 is not available or will not accept those materials. The incinerator must have been inspected and approved by a municipal fire chief, town forest fire warden or forest ranger using minimum criteria established by the director for safe operation;
- F. Residential open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of the land unless expressly prohibited by municipal ordinance;
- G. Burning on site for the disposal of materials generated from the clearing of any land or by the erection, modification, maintenance, demolition or construction of any highway, railroad, power line, communication line, pipeline, building or development;
- H. Burning for hazard reduction purposes such as, but not limited to, the burning of grass fields;
- I. Burning for the containment or control of spills of gasoline, kerosene, heating oil or similar petroleum products; and

J. The burning of brush and demolition debris at municipal solid waste disposal facilities.

A permit issued for burning activities pursuant to paragraph E, G or J must be accompanied by educational information provided by the Executive Department, State Planning Office and the Department of Environmental Protection on the prohibition on burning dioxin-forming products as required by Title 38, section 1684.

Sec. 5. 38 MRSA c. 16-C is enacted to read:

I.

CHAPTER 16-C

DIOXIN-FORMING PRODUCTS

§1681. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Dioxin. "Dioxin" has the same meanings as defined in section 420-A, subsection 1.

2. Dioxin-forming product. "Dioxin-forming product" means any item that has the potential to be disposed of as solid waste or to be burned if the item contains or is manufactured with plastic known as polyvinyl chloride or vinyl or plastic known as polyvinylidene chloride.

§1682. Disposal policy

It is the policy of the State to discourage the burning or incineration of dioxin-forming products and to encourage the land disposal of waste dioxin-forming products.

§1683. Labeling

1. Application. This chapter applies to both labeled and unlabelled dioxin-forming products.

2. Labeling. A dioxin-forming product is labeled if the product or its original packaging contains any of the following symbols, letters or words:

A. The number 3 inside a triangle next to the letter V;

B. PVC; or

C. Vinyl.

§1684. Education program.

The department and the Executive Department, State Planning Office shall implement an education program relating to dioxin-forming products no later than July 15, 2002.

1. Educational information. The program under this section must provide information to the public about the environmental health hazards of dioxin-forming products, how to identify labeled dioxin-forming products, the requirements of the law regarding burning of waste dioxin-forming products and collection programs or disposal options that are available to the public to facilitate land disposal of waste dioxin-forming products.

2. Priorities. Priority for dissemination of educational information described under subsection 1 must be given to persons who live or work in:

A. Municipalities that do not provide municipal trash collection service as defined in Title 12, section 9324, subsection 7 and do not prohibit out-of-door burning of highly combustible trash;

B. Municipalities that supply solid waste to a municipal solid waste incinerator; and

C. Municipalities that burn demolition debris at municipal solid waste disposal facilities.

3. Grants. The department and the Executive Department, State Planning Office may, within available resources, award grants to eligible municipalities, regional associations, sanitary districts, sewer districts and nonprofit organizations to achieve the educational purposes of this section.

Sec. 6. 38 MRSA §2133, sub-§2-B, ¶E, as enacted by PL 1999, c. 779, §3, is amended to read:

E. By January 1, 2002 and as necessary thereafter, fund capital improvements and operating expenses to facilitate the development of collection programs throughout the State for hazardous waste that is universal waste, as identified in board rules, and for waste dioxin-forming products as defined in section 1681 generated by households, small-quantity generators, public schools and municipalities. Collection programs for waste dioxin-forming products must divert that waste to land disposals.

Sec. 7. Report on dioxin releases into the environment from consumer products and building materials; legislation. The Department of Environmental Protection and the Executive Department, State Planning Office shall submit a report by January 15, 2003 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of dioxin releases into the environment from consumer products and building materials. The department and the State Planning Office may consult with the State Fire Marshall, other state agencies and interested parties during the preparation of the report. The report must include the following:

1. An estimate of dioxin releases into the environment attributable to the use and disposal of dioxin-forming products in Maine, including management of construction and demolition debris, structural and vehicle fires, out-of-door burning of highly combustible trash, municipal solid waste incineration and incineration of biomedical waste generated in Maine;

2. An evaluation of policy options for preventing and reducing the release of dioxin from dioxin-forming products, including environmentally preferable purchasing, labeling, product bans, use restrictions, take-back requirements and further restrictions on incineration or out-of-door burning; and

3. Alternatives to the use of dioxin-forming products.

The joint standing committee of the Legislature having jurisdiction over natural resources matters has authority to report out a bill to the First Regular Session of the 121st Legislature relating to dioxin releases and programs for the source reduction, collection and land disposal of dioxin-forming products.

SUMMARY

This bill restricts the disposal of dioxin-forming products to avoid burning or incineration that results in the release of dioxin into the environment. It establishes an education and outreach program to reduce the improper management of dioxin-forming products. It encourages the State to purchase alternatives to dioxin-forming products when practicable. The bill also requires the Department of Environmental Protection and the Executive Department, State Planning Office to submit a report to the Legislature on dioxin releases and dioxin-forming products and their alternatives.