

**§2323. Identification of priority toxic chemicals**

**1. Identification of chemicals.** By July 1, 2011, the department, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, shall establish by rule a list of no more than 10 priority toxic chemicals.

A. A chemical may be included on the list only if it has been identified on the basis of credible scientific evidence by an authoritative state or federal governmental agency, or on the basis of other scientific evidence considered authoritative by the department, as being known as or reasonably anticipated to be:

- (1) A carcinogen, a reproductive or developmental toxicant or an endocrine disruptor;
- (2) Persistent, bioaccumulative and toxic; or
- (3) Very persistent and very bioaccumulative. [PL 2009, c. 579, Pt. A, §3 (NEW).]

B. In determining whether to include a chemical on the list, the department may consider the following factors:

- (1) The risk of worker exposure to the chemical;
- (2) The threat posed to human health and the environment;
- (3) The threat to the health and safety of a community if the chemical is released accidentally;
- (4) The pervasiveness of the chemical's use in the State; and
- (5) The existence of a reasonably available safer alternative. [PL 2009, c. 579, Pt. A, §3 (NEW).]

[PL 2009, c. 579, Pt. A, §3 (NEW).]

**2. Review and revision of list.** The department shall review and revise the list under subsection 1 every 3 years, except that the department may revise the list more frequently if it determines that the addition of a toxic chemical to the list of priority toxic chemicals is necessary to protect human health and the environment or if more credible and recent scientific evidence justifies deletion of a chemical from the list.

[PL 2009, c. 579, Pt. A, §3 (NEW).]

**3. Identification of products and materials containing priority toxic chemical.** The department, in consultation with the Department of Health and Human Services, Maine Center for Disease Control and Prevention, may identify by rule products and materials containing a priority toxic chemical and may specify that use of those products and materials is subject to the requirements of this chapter.

[PL 2009, c. 579, Pt. A, §3 (NEW).]

**SECTION HISTORY**

PL 2009, c. 579, Pt. A, §3 (NEW).

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