



MAINE

Lobstermen's Association, Inc.

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To: Committee on Environment and Natural Resources
Fr: Patrice McCarron, MLA Executive Director
Re: **Opposition to LD 1287** An Act to Protect the Penobscot River and Penobscot Bay from Mercury Contamination

April 11, 2019

Senator Carson, Representative Tucker and members of the Environment and Natural Resources Committee, this testimony is submitted on behalf of the Maine Lobstermen's Association (MLA). The MLA is Maine's oldest and largest fishing industry association and our mission is to advocate for a sustainable lobster resource and the fishermen and communities that depend on it.

The MLA opposes LD 1287 An Act to Protect the Penobscot River and Penobscot Bay from Mercury Contamination because such a prescriptive approach would undermine the state's ability to protect areas of the Penobscot River and Bay from further mercury contamination.

The MLA has been closely monitoring the issues arising from mercury contamination in the Penobscot River and Estuary as a result of historical releases from the former HoltraChem plant in Orrington. The association has carefully reviewed the findings of the court ordered Phase I and II studies documenting the extent of the contamination, and the Phase III Engineering Study which considers a range of options for remediation. The MLA has also supported the Maine Department of Marine Resources' decision to close a portion of the river to lobster and crab fishing in order to protect public health.

The MLA does not support a strategy, explicit in this bill, that would limit the Department of Environmental Protection's (DEP) ability to assess the impact of future permit applications for dredging. Prescribing a sampling strategy in statute would severely limit DEP's ability to assess dredging applications as they come forward based on the best available information. The MLA also does not support adopting a blanket policy to allow dredging only for maintenance of navigation. The Association believes that it is the DEP's job to assess each dredging application as it is submitted and ensure that proper testing is conducted, and if the application is approved, that the dredging methods are those that ensure mercury contamination is not spread.

Significant private, state and federal resources have been dedicated to understanding the current status of the Penobscot River, and there is a concerted effort underway to determine the best remediation options for that area. The MLA does not support any change in statute that would limit consideration of the full range of options under review by the court related to remediation of the various areas of the Penobscot River.

Maine's lobster industry is the economic backbone of Penobscot Bay's coastal economy. The Penobscot River certainly poses a significant environmental challenge. Limiting the state's ability to assess dredging applications as they come forward, however, and limiting the use of the best available science in the future would undermine the economic and environmental resiliency of this area.

The MLA strongly urges you to oppose LD 1287. Thank you for your consideration.