



Testimony of the Maine Organic Farmers and Gardeners Association

in opposition to

LD 1960 - *An Act to Support Farming in Maine by Extending the Deadline for Manufacturers of Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances to Report on Those Products*

March 18, 2024

Good morning, Senator Brenner, Representative Gramlich and members of the Environment and Natural Resources Committee. My name is Heather Spalding, and I am deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). I am speaking today in opposition to LD 1960 - *An Act to Support Farming in Maine by Extending the Deadline for Manufacturers of Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances to Report on Those Products*.

MOFGA is working to build a food system that is healthy and fair for all of us. Through education, training, and advocacy, we are helping farmers thrive, making more local, organic food available and building sustainable communities. MOFGA certifies 526 organic farms and processing operations representing more than \$120 million in sales and we are working hard to create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent. While MOFGA envisions a future of healthy ecosystems, communities, people, and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum.

As you know well, MOFGA has been deeply engaged in efforts to address PFAS-contamination of Maine's food and agriculture systems. Several of our farmers have been seriously impacted by the legacy of sludge spreading through no fault of their own. Some have had to stop farming, though thanks in large part to the support of this Committee, the broader Legislature and Governor Mills and many offices in her administration, most of our impacted farmers have been able to regroup and continue farming and providing safe, healthy food to Maine people. We are grateful to you for the proactive approach you have taken to protect our food and agriculture from PFAS and the example that you have set for policymakers across the country.

It is disheartening to see this bill at this point in our collective efforts to turn off the PFAS tap. The bill's title is misleading. It would not support Maine farmers – it would only make it easier for the petrochemical pesticide industry to maintain its free reign over Maine's agricultural landscape, obstructing efforts to remove PFAS from our water, soil, crops, and livestock. The rationale for exempting all pesticides from the public notice and source reduction provisions of Maine's PFAS law is unclear and in MOFGA's view, such an exemption lacks any reasonable policy justification.

Notification provisions. With respect to the notification provisions, the pesticide industry has already provided information about the presence of intentionally added PFAS in its products to the Maine Board



of Pesticides Control (BPC). Current laws regulating PFAS pesticides in Maine are measured and responsive to the concerns of the pesticides industry. Pesticide manufacturers who wish to sell their products in Maine must register them with the BPC and disclose whether PFAS is intentionally added to the product formulation – whether an active ingredient, so-called "inert ingredient" or an adjuvant added to make the active ingredient work more effectively.

In implementing this law, the BPC bent over backwards to accommodate the requests of global pesticide giants such as Syngenta, Bayer-Monsanto, Dow, BASF, Corteva, and Alligare. The Board extended reporting deadlines, improved the functionality of the online portal to ensure ease and consistency of data collection, and made adjustments to protect confidentiality where warranted. Yet despite the BPC's efforts to simplify the registration process, the pesticide industry was slow to comply. Eventually, all the companies registered their products, but they continue to object to the reasonable and easily complied-with transparency provisions of Maine law.

The pesticide industry can likewise easily comply with the provisions of 38 MRSA Section 1614 requiring disclosure of PFAS ingredients. All pesticide ingredients, whether containing PFAS or not, have long been required to be reported to the BPC, and all so-called "active" ingredients must be listed on the label for all to see, with the percentage of each ingredient disclosed. Pesticide manufacturers know exactly what they are putting into their products, and they already are reporting that information to the BPC. This is not a situation involving complex manufacturing processes and extended supply chains. All the information requested by the State is already in the hands of the pesticide manufacturers. Nor are the reporting requirements or costs onerous; as noted above, the BPC worked closely with the industry to reduce burdens by modifying its online database, and companies pay a much-reduced registration fee by comparison to other states – in some cases a third of what they would pay in other states.

People have a right to know about what they're being exposed to. The problem we face is that the pesticides industry knows how to slow down the reporting process and obstruct justice at every corner. It overturned Maine's comprehensive and streamlined pesticide spray notification registry. It shifted back the onus of notification onto neighbors whose farms, homes, yards, and gardens are being drifted upon. It maintained a huge data gap in the State's efforts to collect pesticides sales and use data. And now it seeks to withhold information about PFAS in pesticides readily available for sale in Maine.

Requiring manufacturers to adopt PFAS-free formulations if available. There is no justification for exempting pesticides from the provisions of 38 MRSA Section 1614 requiring the removal of PFAS where alternatives are available. PFAS are added to ingredients in many pesticides, and PFAS residues also have been detected in food.

A report from the Environmental Working Group released last June showed that 55 PFAS chemicals are present in 1400 pesticides registered for use in Maine.¹ Public concern about exposure to PFAS is increasing as scientific research shows the prevalence of forever chemicals in our food and agriculture

¹ Maine data unveils troubling trend: 55 PFAS-related chemicals in over 1,400 pesticides. Environmental Working Group press release. June 6, 2023.

systems. We know that we all have PFAS in our bodies, though we didn't ask for it. We also know that diet is the primary source of exposure to PFAS, and we need to prioritize shutting off the sources of that exposure. The U.S. Environmental Protection Agency (EPA) announcement banning the use of PFAS for treatment of food contact papers and paper board illustrates that proactive policy efforts like many that have come from this Committee are catalysts for much-needed action at the federal level. EPA has canceled twelve PFAS for use as inert ingredients in pesticides and is evaluating other PFAS for removal from the market. Maine's leadership with thoughtful PFAS policy has inspired other states and the federal government to act. Minnesota law bans PFAS pesticides by 2032 or sooner², and Maryland is considering legislation to ban PFAS pesticides by 2025.³

Pesticide Action Network Europe (PAN Europe) released a study last month entitled "Toxic Harvest: The rise of forever PFAS pesticides in fruit and vegetables in Europe," showing the escalating PFAS contamination of conventional fruits and vegetables in the European Union.⁴ The report states that the number of European fruit and vegetables with detected PFAS pesticide residues has nearly tripled between 2011 and 2021, with an overall growth rate of 220% for fruit and 274% for vegetables. Some countries have experienced much more dramatic increases. Research indicates that European non-organic fruit frequently carries PFAS pesticide residues, citing 37% of strawberries, 35% of peaches, and 31% of apricots as contaminated with forever chemicals. Testing revealed multiple PFAS chemicals, sometimes up to four, in single tests. Imported fruit also revealed elevated and rising levels of PFAS residues. The report highlights the need for eliminating PFAS from agricultural products like pesticides that are applied to hundreds of millions of acres of farmland both in Europe and the United States multiple times during the growing season.

PFAS are accumulating in our bodies. Peer-reviewed studies link exposure to "higher cholesterol, ulcerative colitis, impaired thyroid function, reduced immune response in children (including decreased responsiveness to vaccines), pregnancy-related hypertension and preeclampsia, lower birth weights, liver disruption, and cancer (specifically kidney and testicular cancers)."⁵ Just last month, the Endocrine Society, the world's oldest, largest, and most active organization devoted to research on hormones and the clinical practice of endocrinology, and the International Pollutants Elimination Network (IPEN) released a report entitled *Endocrine Disrupting Chemicals: Threat to Human Health. Pesticides, Plastics, Forever Chemicals, and Beyond*. The report asserts that "there may be no safe dose for exposure to endocrine disrupting chemicals."⁶

² Minnesota Department of Agriculture. [Products With Added PFAS law](#).

³ [Maryland lawmaker takes steps to ban PFAS pesticides from sale in the state](#). WYPR Baltimore Public Media. March 14, 2024.

⁴ [Toxic Harvest: The rise of forever pesticides in fruits and vegetables in Europe](#). Pesticide Action Network Europe. February 2024.

⁵ [Forever Chemicals Are Everywhere. Here's How to Limit Your Exposure](#). Joe Fassler, New York Times, March 15, 2024.

⁶ [Endocrine Disrupting Chemicals: Threat to Human Health - Pesticides, Plastics, Forever Chemicals and Beyond](#).

We know that we will continue to be exposed to PFAS on a day-to-day basis, but we have to turn off the taps whenever we have a chance to do so. Pesticides should not be exempted from Maine PFAS reporting and phase-out policies. Current law already provides manufacturers with significant time to identify new, safer formulations, a timetable that may be extended pursuant to other pending legislation before this committee. In addition, the provision for case-by-case exemptions if alternatives are not reasonably available – the “currently unavoidable use” provision – give pesticides manufacturers, and the farmers who use their products, the assurance that necessary products that can’t be reformulated and for which there are no safer alternatives will remain on the market.

MOFGA and Maine Farmland Trust already have spent nearly \$1.3 million in emergency relief funding to help farmers whose health and livelihoods have been threatened by PFAS contamination of their water and land. Maine has committed more than \$100 million dollars to address PFAS contamination farms, public water systems, and residential wells. And state officials tell us that this is the tip of the iceberg. Allowing further contamination of our precious and finite farmland will just increase public health costs and the tax burden for mitigating the PFAS crisis.

Summary. We can take comfort in knowing that our elected officials are doing everything they can to transition product manufacturing away from forever chemicals and toward safer materials. Maine people have faith in the efforts that you are making. Please keep moving forward so that we can get PFAS out of Maine agriculture and ensure a food system that is healthy and fair for everyone. There is no justification for an exemption on reporting or phasing out pesticides that contain PFAS. MOFGA asserts that there are organic, mechanical, and biologic alternatives to most of the practices offered by industrial agribusiness. We have the knowledge, the natural resources and consumer interest to achieve global organic management, and we are willing partners in working with farmers and policymakers to achieve PFAS-free agriculture in Maine.

Thank you for your careful consideration of this legislation. MOFGA urges the Committee to vote in opposition to LD 1960. I would be happy to answer questions if you have any.

The Maine Organic Farmers and Gardeners Association (MOFGA) started in 1971 and is the oldest and largest state organic organization in the country. We're a broad-based community that educates about and advocates for organic agriculture, illuminating its interdependence with a healthy environment, local food production, and thriving communities. We have 15,000 members, we certify more than 500 organic farms and processing facilities representing \$120 million in sales, and we are working hard to provide training and create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent. While MOFGA envisions a future of healthy ecosystems, communities, people, and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum.