STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

MELANIE LOYZIM
COMMISSIONER

TESTIMONY OF

MELANIE LOYZIM, COMMISSIONER

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SPEAKING IN SUPPORT OF

L.D. 1995 "AN ACT TO MAKE SUPPLEMENTAL APPROPRIATIONS AND ALLOCATIONS FOR THE EXPENDITURES OF STATE GOVERNMENT, GENERAL FUND AND OTHER FUNDS AND TO CHANGE CERTAIN PROVISIONS OF THE LAW NECESSARY TO THE PROPER OPERATIONS OF STATE GOVERNMENT FOR THE FISCAL YEARS ENDING JUNE 30, 2022 AND JUNE 30, 2023"
SPONSORED BY REP. PIERCE

BEFORE THE JOINT STANDING COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS
AND THE JOINT STANDING COMMITTEE ON ENVIRONMENTAL AND NATURAL RESOURCES

HEARING DATE:
MARCH 8, 2022

Senators Breen and Brenner, Representatives Pierce and Tucker, and members of the Joint Standing Committees on Appropriations and Financial Affairs and Environmental and Natural Resources, I am Melanie Loyzim, Commissioner of the Department of Environmental Protection (DEP), providing this testimony in support of DEP-related items in the Budget Office Document, the Governor's FY22-23 Supplemental Budget proposal.

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This testimony provides brief details of each item that relates to DEP in Part A of the Budget document, starting on page A-62, and Language Part AA .

OVERVIEW

Overall, DEP proposes 14 new initiatives in the FY 22/23 supplemental budget. These initiatives would increase the department's budget by $8,003,202 over the biennium. This is comprised of net increases of $379,115 to the General Fund and $7,878,334 in Other Special Revenue Funds, and a net decrease of $254,247 in Federal Expenditure Funds. Many of the initiatives are simply changes to the home accounts of existing positions.

ADMINISTRATION – ENVIRONMENTAL PROTECTION 0251

The first Budget Program presented in the Budget document on page A-62 is labeled "**Administration – Environmental Protection 0251**". The first new initiative in this Budget Program transfers one Policy Development Specialist position from the Remediation and Waste Management program to the Administration – Environmental Protection program. This transfer will align the position with the appropriate funding and better reflect work being performed.
(counterpart see pg. A-66)

The second new initiative in this Budget Program provides General Fund All Other to cover increased insurance rates set by Risk Management.

AIR QUALITY - 0250

The second Budget Program presented in the Budget document on page A-62 is labeled "**Air Quality 0250**". The first new initiative in this Budget Program transfers two Assistant Environmental Engineer positions from the Maine Environmental Protection Fund program, Other Special Revenue Funds to the Air Quality program, General Fund. These transfers will align the positions with funding and better reflect work being performed.
(counterpart see pg. A-64)

The second new initiative in this Budget Program provides General Fund All Other to cover increased insurance rates set by Risk Management.

LAND RESOURCES Z188

The third Budget Program presented in the Budget document on page A-63 is labeled "**Land Resources Z188**". The first new initiative in this Budget Program transfers one Environmental Hydrogeology Specialist position from the Water Quality program to the Land Resources program. This transfer will align the position appropriate funding and better reflect work being performed.

(counterpart see pg. A-67)

The second new initiative in this Budget Program provides General Fund All Other to cover increased insurance rates set by Risk Management.

MAINE ENVIRONMENTAL PROTECTION FUND 0421

The fourth Budget Program presented in the Budget document on page A-64 is labeled "**Maine Environmental Protection Fund 0421**". The first new initiative in this Budget Program transfers one Environmental Hydrogeology Manager position from the Performance Partnership Grant program, Federal Expenditures Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds. This transfer aligns the position with funding and better reflects work being performed.

(counterpart see pg. A-65)

The second new initiative in this Budget Program transfers two Assistant Environmental Engineer positions from the Maine Environmental Protection Fund program, Other Special Revenue Funds to the Air Quality program, General Fund. These transfers will align the positions with funding and better reflect work being performed.

(counterpart see pg. A-62)

The third new initiative in this Budget Program re-allocates the cost of one Environmental Specialist IV position from 100% Water Quality program, Federal Expenditures Fund to 65% Water Quality program, Federal Expenditures Fund and 35% Maine Environmental Protection

Fund program, Other Special Revenue Funds. This re-allocation will align the position with funding and better reflect work being performed.

(counterpart see pg. A-67)

The fourth new initiative in this Budget Program provides additional allocation for the wetlands compensation fee program, which seeks to restore and enhance wetland resources throughout the state. DEP currently contracts out for the administration of this program. In-lieu compensation fees collected by DEP are sent to the administering organization to manage the payments for project costs approved under 38 MRS §480-Z. Financial orders have been needed annually since FY20 to provide the necessary spending authority for these funds.

The fifth new initiative in this Budget Program provides General Fund All Other to cover increased insurance rates set by Risk Management.

PERFORMANCE PARTNERSHIP GRANT 0851

The fifth Budget Program presented in the Budget document on page A-65 is labeled **"Performance Partnership Grant 0851".** The first new initiative in this Budget Program transfers one Environmental Hydrogeology Manager position from the Performance Partnership Grant program, Federal Expenditures Fund to the Maine Environmental Protection Fund program, Other Special Revenue Funds. This transfer aligns the position with funding and better reflects work being performed.

(counterpart see pg. A-64)

The second new initiative in this Budget Program transfers and re-allocates one Biologist I position from 50% Performance Partnership Grant program, Federal Expenditures Fund and 50% Water Quality program, Other Special Revenue Funds to 100% Water Quality program, Other Special Revenue Funds. This will align the position with funding and better reflect work being performed.

(counterpart see pg. A-67)

The third new initiative in this Budget Program transfers one Environmental Specialist III position and one Environmental Specialist II position from the Performance Partnership Grant program, Federal Expenditures Fund to the Water Quality program, General Fund. These transfers will align the positions with funding and better reflect work being performed.

(counterpart see pg. A-67)

REMEDIATION AND WASTE MANAGEMENT 0247

The sixth Budget Program presented in the Budget document on page A-66 is labeled **"Remediation and Waste Management 0247".** The first new initiative in this Budget Program transfers one Policy Development Specialist position from the Remediation and Waste Management program to the Administration – Environmental Protection program. This transfer will align the position with the appropriate funding and better reflect work being performed.
(counterpart see pg. A-62)

The second new initiative in this Budget Program provides General Fund All Other to cover increased insurance rates set by Risk Management.

The third new initiative in this Budget Program reduces the allocation for the Leaking Underground Storage Tank – Large Contracts program to zero. This program was established to track the one-time American Recovery and Reinvestment Act (ARRA) funding in Fiscal Year 2008.

The fourth new initiative in this Budget Program transfers one Environmental Specialist III position from General Fund to Other Special Revenue Funds and transfers another Environmental Specialist III from Other Special Revenue Funds to General Fund, essentially swapping the funding for these positions. These transfers align the positions with the appropriate funding sources and better reflect work being performed. There is a minor cost to the General Fund due to employees' current salary steps and discrepancies in insurance plans.

The fifth new initiative in this Budget Program provides $3.2 million in one-time funding for FY22 to assist labs in Maine with equipment purchases to develop in-state capacity for PFAS sample testing and analysis. This corresponds with **Language Part AA**, which provides the authority to transfer funds from the unappropriated surplus of the General Fund to a specific subsidiary account in the Uncontrolled Sites Fund for this purpose. There is a critical need for PFAS analytical capacity in Maine to provide timely results and to meet the rapidly growing demand for PFAS sampling by both the State and private customers. The Department proposes to

award these funds through a competitive grant process. Grantees will be expected to obtain State of Maine laboratory certification when using methods with established certification standards.

WATER QUALITY 0248

The seventh Budget Program presented in the Budget document on page A-67 is labeled "**Water Quality 0248**". The first new initiative in this Budget Program transfers one Environmental Hydrogeology Specialist position from the Water Quality program to the Land Resources program. This transfer will align the position with appropriate funding and better reflect work being performed.

(counterpart see pg. A-63)

The second new initiative in this Budget Program re-allocates the cost of one Environmental Specialist IV position from 100% Water Quality program, Federal Expenditures Fund to 65% Water Quality program, Federal Expenditures Fund and 35% Maine Environmental Protection Fund program, Other Special Revenue Funds. This re-allocation will align the position with funding and better reflect work being performed.

(counterpart see pg. A-64)

The third new initiative in this Budget Program provides $208,243 in All Other funding to align allocations with projected available resources for Water Quality federal programs. The Water Quality federal account has been under-allocated in the All Other line category in recent years and has needed annual financial orders to provide the necessary authority to spend grant funds.

The fourth new initiative in this Budget Program transfers and re-allocates one Biologist I position from 50% Performance Partnership Grant program, Federal Expenditures Fund and 50% Water Quality program, Other Special Revenue Funds to 100% Water Quality program, Other Special Revenue Funds. This will align the position with funding and better reflect work being performed.

(counterpart see pg. A-65)

The fifth new initiative in this Budget Program provides General Fund All Other to cover increased insurance rates set by Risk Management.

The sixth new initiative in this Budget Program transfers one Environmental Specialist III position and one Environmental Specialist II position from the Performance Partnership Grant program, Federal Expenditures Fund to the Water Quality program, General Fund. These transfers will align the positions with funding and better reflect work being performed.

(counterpart see pg. A-65)

The seventh new initiative in this Budget Program establishes two Assistant Environmental Engineer positions for the Clean Water State Revolving Fund program. These positions are needed to support additional work created by the federal Infrastructure Investment and Jobs Act (IIJA). Additional funding provided this federal legislation will allow for significantly more wastewater infrastructure loans and grants to be managed by DEP, which will require additional staff resources to administer and to maintain a statewide assessment of wastewater infrastructure needs.

I appreciate the opportunity to provide this overview regarding our proposed supplemental budget and I welcome any questions you may have.

Testimony of Michael Flanders, President, Katahdin Analytical Services

In Support of
Part "AA" of

LD 1995: An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2022 and June 30, 2023

Joint Standing Committee on Appropriations and Financial Affairs
Joint Standing Committee on the Environment and Natural Resources

March 8, 2022

Sen. Breen and Rep. Pierce, Sen. Brenner and Rep. Tucker, and Members of the Appropriations and Financial Affairs and Environment and Natural Resources Committees:

My name is Michael Flanders, and I am the President of Katahdin Analytical Services. I testify today in strong support of Part AA of the Supplemental Budget, which provides $3.2M in funding to the DEP to implement an RFP process "for the purpose of assisting Maine laboratories with equipment purchases that will increase the capacity for sample testing and analysis of perfluoralkyl and polyfluoroalkyl substances, or PFAS." Maine currently sends all of its PFAS samples out of state, and this provision would allow this testing to occur in-state.

Maine is in the middle of a PFAS crisis, and we at Katahdin Labs have been seeking to help our State tackle this generational crisis that is affecting all levels of our society. Located in Scarborough, Katahdin Labs was founded in 1995. We are the largest environmental lab in Maine, and we compete with much bigger laboratories around the country. However, we are still considered a small business, with 54 employees, including 50 scientists. Katahdin is an analytical lab, and we currently analyze for hundreds of environmental contaminants (e,g, PCBs, 1, 4-Dioxane, Pesticides, heavy metals, hydrocarbons, VOCs SVOCs, etc.). We analyze over 200,000 samples per year. Attached is a PowerPoint that provides more detail of who we are.

We have been tracking the PFAS contamination issue for the last several years, as the State has identified numerous areas of growing concern, including (in order of increasing complexity):

- Drinking water
- Soil
- Complex matrices – milk, animal and plant tissue, biosolids.

However, the cost of purchasing the necessary analytical equipment has been too great for our small company. If Part AA is enacted as part of this budget process and if our Lab were

successful in responding to a DEP RFP seeking in-state lab support, it would allow our lab (and perhaps others) to purchase the necessary equipment, become certified in PFAS analysis, and tackle all of these levels of testing in Maine, without the extra cost and delay associated with sending the samples out of state. Katahdin would be capable of purchasing the equipment, setting up the necessary analytical protocols, and achieving PFAS testing certification in as little as 5 months if it were the successful responder to a DEP RFP.

We would ask that the Legislature consider a slight amendment to the language of Part AA, as this current language only references the purchase of equipment. In order to get up and running on this new type of equipment and achieve the high volume production required to address the magnitude of the testing that will be necessary to adequately tackle this issue, we will need to hire several more scientists and will need to get certified on the analysis methods. Therefore, we would suggest that the language be amended as follows:

> PART AA
>
> Sec. AA-1. Transfer from General Fund unappropriated surplus; Department of Environmental Protection, Uncontrolled Sites Fund. Notwithstanding any provision of law to the contrary, on or before June 30, 2022, the State Controller shall transfer $3,200,000 from the unappropriated surplus of the General Fund to the Department of Environmental Protection, Uncontrolled Sites Fund, Other Special Revenue Funds account for the purpose of assisting existing Maine laboratories with equipment purchases or ancillary services that will increase capacity for sample testing and analysis of perfluoroalkyl and polyfluoroalkyl substances, or PFAS.
>
> Sec. AA-2. Segregation of funds transferred to the Department of Environmental Protection, Uncontrolled Sites Fund. The Department of Environmental Protection shall establish within the Uncontrolled Sites Fund a segregated subsidiary account. The department shall deposit into the subsidiary account the amount transferred pursuant to section 1 of this Part and, in accordance with its authority under the Maine Revised Statutes, Title 38, chapter 13-B, may expend funds from that subsidiary account only for the purpose of assisting existing Maine laboratories with equipment purchases or ancillary services that will increase capacity for sample testing and analysis of perfluoroalkyl and polyfluoroalkyl substances.

Katahdin is a Maine company with Maine roots that wants to help protect Maine and Mainers from this emerging heart-breaking crisis. Not only is Part AA a crucial component of the State's response to the PFAS crisis, but it would support Maine's economy and small Maine businesses (our own as well as the impacted small businesses (such as Maine farms)), and help to grow STEM jobs in Maine. Finally, in order to best tackle this problem, Katahdin recognizes that it will be necessary to continue to develop partnerships with Maine's research and analytical base, including the State Lab and our public and private higher education system.

Thank you for this opportunity to testify.

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ACCREDITING
nelap
AUTHORITY
Katahdin
ANALYTICAL SERVICES

Katahdin Analytical Services

- Founded in 1995, Located in Scarborough
- Largest Environmental Lab in Maine
- SBA - Small Business Enterprise
- 54 Employees: 50 Scientists / Chemists
- Analyzes for hundreds of environmental contaminants (PCBs, 1,4-Dioxane, Pesticides, heavy metals, Hydrocarbons, VOCs, SVOCs)
- Analyzes over 200,000 samples / year
- Capable of achieving PFAS testing certification in as little as 5 months

Katahdin
ANALYTICAL SERVICES

PFAS in Maine
(an emerging contaminant)

Maine has identified several areas of concern:

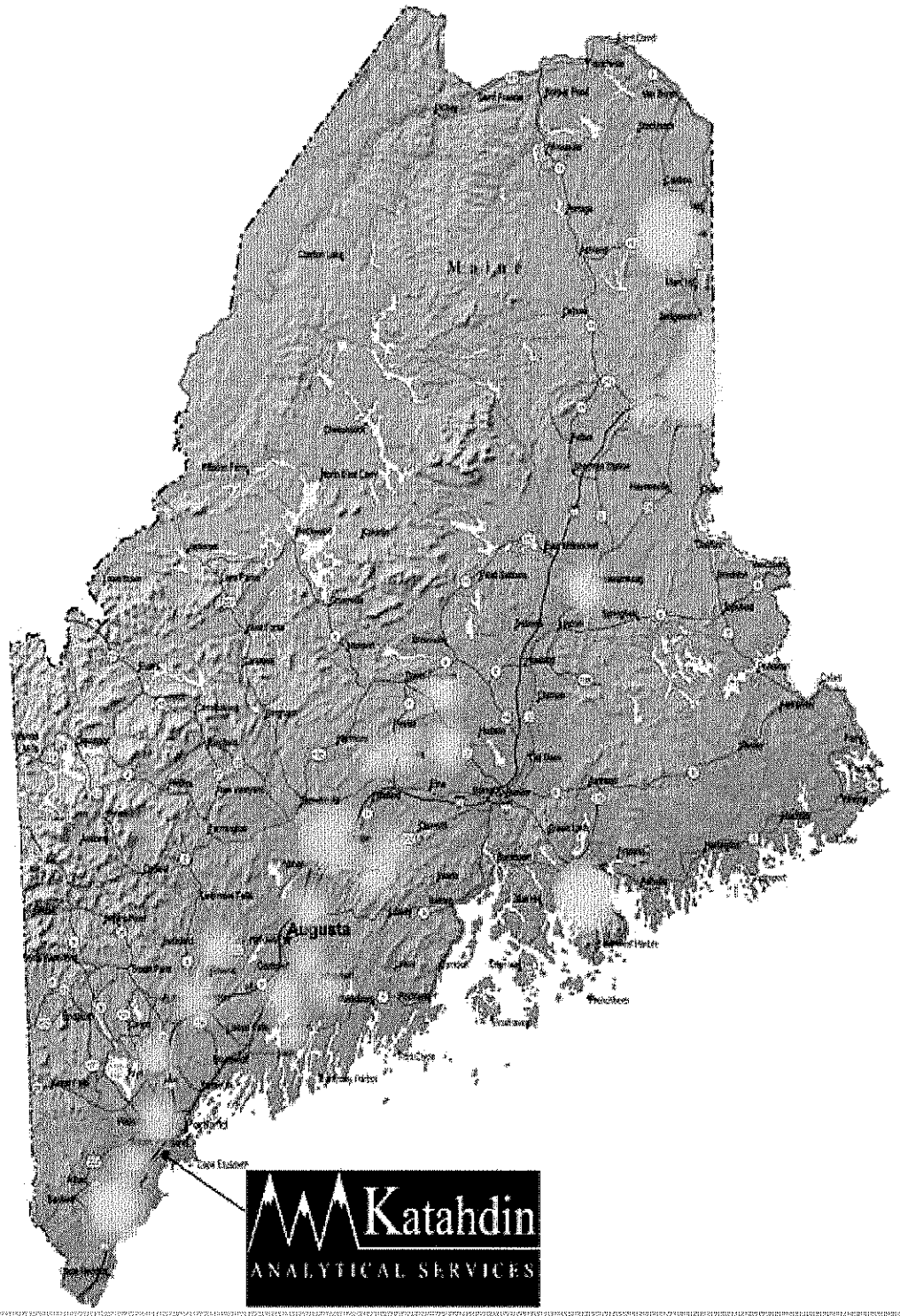
- Drinking Water
- Waste streams / Effluent / Biosolids
- Soil
- Food Supply (milk, agricultural goods)
- Wildlife and domestic livestock, Animal feed

Arguably the most critical environmental and health issue facing all Maine residents

Katahdin
ANALYTICAL SERVICES

Several known and suspected Hot Spots in Maine:

- Arundel
- Fairfield
- Trenton
- Presque Isle
- Houlton
- Lewiston/Auburn
- Westbrook
- several other areas being investigated



Testing Capabilities identified as a major gap by State of Maine

Testing of drinking water, soil, food supplies, biosolids, and waste streams are **critical to remediation** efforts

Currently **No Maine laboratory certified** for PFAS analysis

Recent **legislative directives** requiring PFAS testing (LD 129, LD 1503, LD 1600)

Thus, the need for PFAS testing will increase and **local testing capability is imperative**

Katahdin
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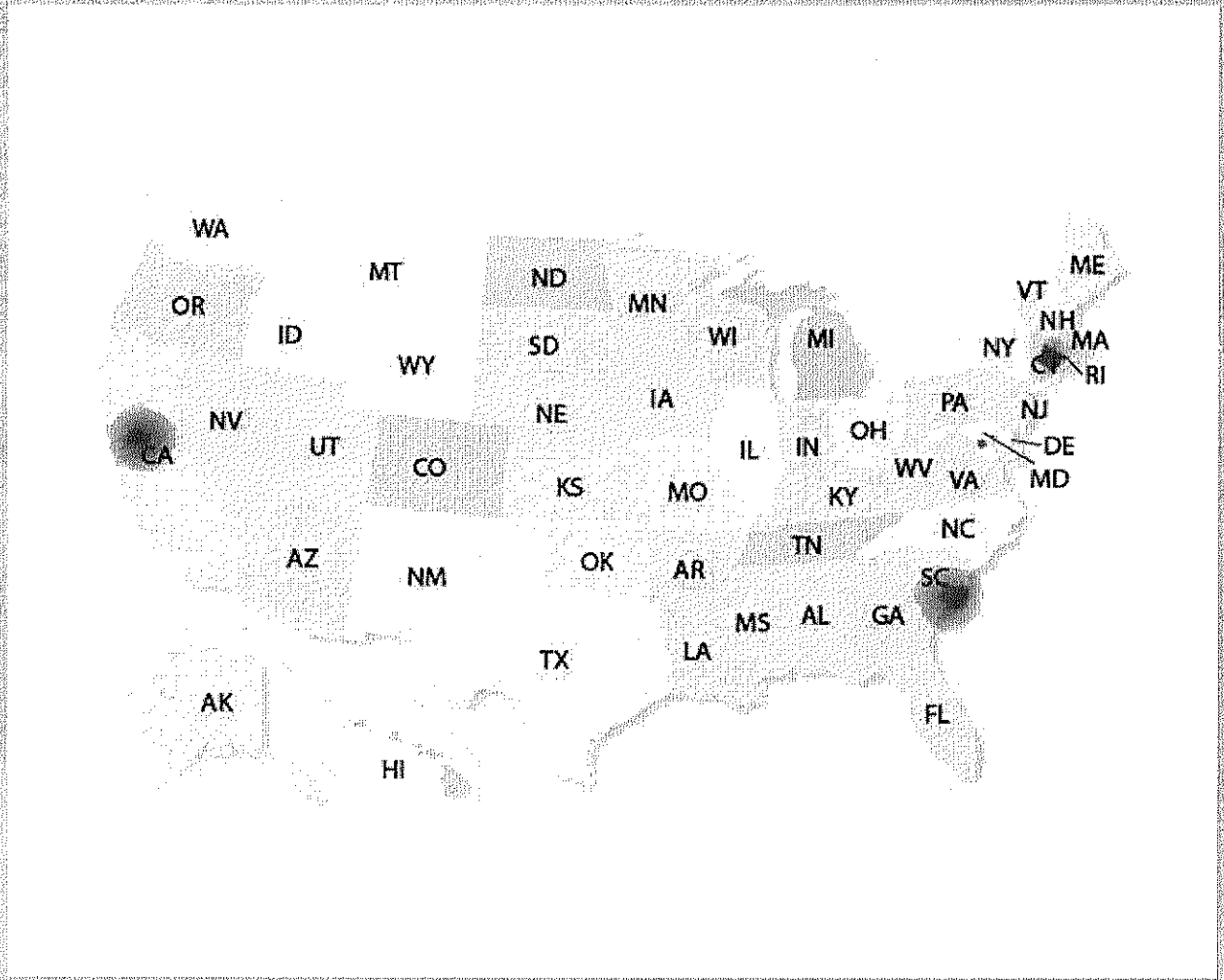
Thus far all of Maine's PFAS samples are sent to large out-of-state, business labs…some are foreign-owned.



Katahdin
ANALYTICAL SERVICES

Why Katahdin Analytical Services is the best option for the State of Maine

	Katahdin	Large out-of-state Labs
Small Business Enterprise	Yes	No
Supporting Maine's Economy	Yes	No
Growing STEM Jobs in ME	Yes	No
Shipping Costs	Lower	Higher
PFAS Sampling capability	Yes	No
Turnaround Time for results	quickest (in ME)	longest (in CA)

Katahdin Analytical…

Is the largest and most experienced environmental lab in Maine

Has the ability to develop the PFAS analytical approaches needed in a short timeframe (approx. 5 months)

Already performs PFAS sampling in Maine…and can expand this capability throughout the entire state.

Owns a fleet of courier vehicles to deliver samples to the Scarborough laboratory and accelerate turnaround times

Is committed to creating several more technical jobs in Maine to support PFAS sampling and testing needs

What's needed…

Financial assistance to procure the unique instrumentation and accelerate the certification process

Agreement/contract from State of Maine agencies for Katahdin to provide sampling and testing services for PFAS

Funding requirements:

- 2 or 3 multi-matrix HPLC-MS/MS instruments ($800k - $1.2m)
- 3-5 Scientist / Chemists to develop protocol, validate method and perform analyses ($180k - $300)
- 3 Field service technicians to support sampling ($120k)

Total: $1.1M - $1.6M

Quick decision on funding to address growing health concerns

Katahdin Analytical and Maine

Invest in Maine and Katahdin Analytical to address the increasing health concern posed by PFAS

Grow high value STEM jobs in Maine

Support an entrepreneurial small businesses in Maine

Katahdin Analytical is the most economic solution with the shortest turnaround times to meet Maine's testing needs


Katahdin
ANALYTICAL SERVICES
600 Technology Way

Institute for Agriculture & Trade Policy

Testimony of Sharon Treat, Institute for Agriculture and Trade Policy
In Support of LD 1995,
An Act To Make Supplemental Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds
Joint Standing Committee on Appropriations and Financial Services
Joint Standing Committee on Environment and Natural Resources
March 8, 2022

Chairs Senator Breen and Representative Pierce and members of the Joint Standing Committee on Appropriations and Financial Services; and Chairs Senator Brenner and Representative Tucker and members of the Joint Standing Committee on Environment and Natural Resources. My name is Sharon Treat and I live in Hallowell. I am Senior Attorney for the Institute for Agriculture and Trade Policy (IATP), on whose behalf I am testifying today in support of the provisions of LD 1995 funding the Department of Environmental Protection to address PFAS contamination.

IATP is a 501(c)(3) nonprofit headquartered in Minneapolis, Minnesota with offices in Hallowell, Maine and other locations. IATP works closely with farmers and seeks to promote local, sustainable and environmentally beneficial agriculture and trade policies.[1] We have been following PFAS issues across the country and especially in Maine, where we have taken a strong interest in how PFAS contamination has affected farmers and agriculture.[2]

Although funding for PFAS is split between multiple state departments, these comments address the PFAS problem holistically. We provided similar comments last week with respect to supplemental budget proposed for Department of Agriculture, Conservation and Forestry to address PFAS. Neither the DACF, Maine CDC nor Department of Environmental Protection budgets are sufficient to address the scope of Maine's PFAS problem, and there are important needs that are left out of the present proposal that we wish to bring to the attention of the committees.

THE SCOPE OF MAINE'S PFAS PROBLEM.

The problem of PFAS contamination in Maine cannot be overstated; it is not hyperbole to call it a crisis. Nothing can change the fact that past practices have poisoned prime farmland and drinking water across the state with toxic "forever chemicals." Hundreds of residential wells have been found with high levels of PFAS. At least 9 Maine farms have been tested and found to have high levels of contamination. Another 20-30 farms are likely to be found contaminated when soil testing resumes after the ground thaws, based DEP's best estimates and their location within "Tier 1" of its investigation of wastewater sludge-spreading across the state. Farmers have had their livelihoods destroyed or significantly

[1] IATP also has offices in Washington, D.C. and Berlin, Germany (IATP Europe). For over 30 years, IATP has provided research, analysis and advocacy on a wide range of agriculture-related issues including farm to school; climate; agroecology; soil health and water quality and access; farmworker health and economic security; and trade and market policies. For more information, see www.iatp.org.

[2] IATP's PFAS materials are posted here: https://www.iatp.org/and-polyfluoroalkyl-substances-pfas

impacted, their farm irreparably contaminated. PFAS are bio-accumulative as they move up the food chain and essentially last forever in soils. For example, soil contamination at a Unity farm was caused by biosolids spread 24 years before the farm was purchased by the current owners; not an atypical situation.

Farmers, their families and their neighbors have been exposed to toxic PFAS in their water and food. Households have been watering their gardens with PFAS-contaminated water in the Fairfield area for decades. Meanwhile, even without added contamination from water, landscapers and gardeners apply soil amendments year after year to the same soils. Contaminated commercial fertilizer marketed to home gardeners is of concern both in Maine and nationally. A recent report found PFAS in each of nine fertilizer products tested and marketed as "eco" or "natural," eight of which exceeded Maine's current screening guidelines.[3] Water and soil testing is just starting for the rest of the state, but given the large number of past sludge-spreading sites, and the great distances highly mobile PFAS have traveled through ground and surface waters, we will likely see similar scenarios playing out across Maine.

THE FUNDING FOR DEP IN THE SUPPLEMENTAL BUDGET IS CRITICAL.
Maine's reputation for clean, healthy and sustainably produced food is taking a beating, and the agriculture sector of the economy is threatened. IATP strongly supports additional funding to investigate, abate, and remediate agricultural contamination, to test food and address food safety concerns, and to assist farmers economically. Specifically, we support the transfer of $3.2M from the unappropriated surplus to the DEP's Uncontrolled Sites Fund to increase in-state capacity for testing and analysis.

Unfortunately, the amount of funding in LD 1995 is inadequate to meet current needs. The $9.2M dollars that the Governor has asked for to address PFAS in the supplemental budget, which includes the $3.2M to assist Maine laboratories as well as additional funding for the Department of Agriculture, Conservation and Forestry, is not nearly enough to help the people of Maine address the poisoning of land, food, water and bodies with PFAS caused by a state-sanctioned and promoted biosolids spreading program. In testimony before legislative committees, DEP staff estimated $20M would be needed annually just for site investigation. In a recent listening session for farmers held by the Maine Farmland Trust and Maine Organic Farmers and Gardeners Association, farmers across the state, including those not yet known to be affected, pleaded with DEP and DACF to speed up the pace of the investigation and testing, something these agencies cannot do without additional funding and staff well beyond what is allocated in LD 1995 and the biennial budget.

Farmers are in limbo, and the longer it takes to complete soil, water and food testing, the more uncertainty and turmoil will be felt across all of Maine agriculture. Even with the funding and staffing supplemented by LD 1995, DEP projects it cannot complete the testing of sludge sites for PFAS until

[3] The test products were purchased in Maine and nationally at national chains including Lowes, Home Depot and Ace Hardware, as well as locally owned garden centers. Scientific studies of compost made from sludge "biosolids" and from municipal waste confirm widespread PFAS contamination. See also Lazcano, Rooney Kim and Youn Jeong Choi, Michael L. Mashtare, and Linda S. Lee. "Characterizing and Comparing Per and Polyfluoroalkyl Substances in Commercially Available Biosolid and Organic Non-Biosolid-Based Products." Environmental Science & Technology 54 (2020): 8640-8648. DOI: 10.1021/acs.est.9b07281; Choi, Youn Jeong and Rooney Kim Lazcano, Peyman Yousefi, Heather Trim, and Linda S. Lee. "Perfluoroalkyl Acid Characterization in U.S. Municipal Organic Solid Waste Composts." Environ. Sci. Technol. Lett. 6 (May 2019): 372–377. https://doi.org/10.1021/acs.estlett.9b00280.

sometime in 2025. Meanwhile, farmland can't be sold while under the cloud of forever contamination, investments in high tunnels and farm equipment won't be made, and consumer anxiety about the safety of local foods --whether justified or not—will only increase. The stain of PFAS contamination is affecting not only those whose land and water is directly contaminated but also other farmers who purchase hay for feed or milk for cheese, and don't know whether these inputs are free of PFAS. Ultimately all Maine agriculture is being affected and will be under a cloud until all possible PFAS hotspots are identified and tested and food production is moved away from contaminated soil and water.

FUNDING IS ALSO NEEDED FOR MEDICAL MONITORING AND FARMER BUYOUTS.
Besides speeding up the pace of the investigation into sludge spreading sites and the turnaround time on test results, funding is necessary to address needs that currently are not part of the state's PFAS plan. These needs include (1) paying for medical monitoring of those exposed to high levels of PFAS; and (2) assisting farmers facing a catastrophic situation not of their own making, by replacing lost income, helping to pivot to alternative crops or alternative fields and, and for some, relocating their farms through a state buy-back program.

THE STATE SHOULD FUND A MEDICAL MONITORING PROGRAM.
The funding to stand up in-state PFAS testing capacity, to test drinking water and livestock, produce and soil samples is critically important. But what about the people who have been exposed and have astronomically high PFAS blood levels? Even for those who have adequate insurance coverage, PFAS blood tests are unlikely to be covered by health insurance.

Drinking water with astronomical levels of PFAS. Farmers and their neighbors have contaminated wells they have been using for decades for drinking water and for irrigating crops. The PFAS levels measured in some of these wells are astronomical. In testimony before the legislature, PFAS in a well across the road from corn fields in Fairfield was measured at 14,832 parts per trillion (ppt), which is 742 times Maine's interim health standard for drinking water of 20 ppt for the sum of six PFAS chemicals.[4] Farmers at the MFT/MOFGA listening session reported PFAS measurements of 9,000 ppt at an Albion farm; 1300 ppt in Jackson; 1690 ppt in another Albion farm; and 2,000 ppt on a farm in Knox.

PFAS in blood and breast milk. Many of those affected have young children, including nursing infants, who have been exposed to PFAS through breast milk. One young couple who paid to have their blood tested found levels of 790 and 460 parts per billion (ppb) for PFOA and 2700 and 1800 ppb for PFOS. The difference between these measurements? The lower levels were measured for the nursing mother, who expelled some of the PFAS through breast milk – into their infant child. These are unsafe levels hundreds of times higher than background levels and significantly above that measured in industrial workers in PFAS manufacturing plants.

Exposure to PFAS causes health problems. According to the federal Environmental Protection Agency (EPA), "current peer-reviewed scientific studies have shown that exposure to certain levels of PFAS may lead to: reproductive effects such as decreased fertility or increased high blood pressure in pregnant women; developmental effects or delays in children, including low birth weight, accelerated puberty, bone variations, or behavioral changes; increased risk of some cancers, including prostate, kidney, and

[4] Testimony of Nathan Saunders before the Environment and Natural Resources Committee on LD 1911 and LD1875, January 24, 2022, https://legislature.maine.gov/legis/bills/display_ps.asp?PID=1456&snum=130&paper=&paperId=l&ld=1875

testicular cancers; reduced ability of the body's immune system to fight infections, including reduced vaccine response; interference with the body's natural hormones; increased cholesterol levels and/or risk of obesity."[5] PFAS exposure can make people more susceptible to COVID-19 health consequences; indeed, recent research has found a strong association with PFAS exposure and COVID-19 severity, antibody response, and asthma.[6]

PFAS health problems often don't manifest until years later. Medical monitoring programs provide ongoing medical testing to detect the potential onset of disease or other adverse health effects from toxic chemical exposures, such as PFAS. PFAS, like many toxic chemicals, can cause latent diseases that only manifest years later, thus, it becomes more critical to monitor and prevent the development of disease or other adverse health effects over the long term.[7] Medical monitoring is precisely attuned to exposure to hazardous substances such as PFAS. Someone exposed to toxic substances may not show symptoms of an illness, but they may experience subcellular or other physiological changes that warn trained medical professionals that the patient has an increased risk of developing a serious illness requiring medical monitoring.[8] Early detection of disease and adverse health effects prevents more devastating, and more costly, consequences later.[9] In Ayers v. Township of Jackson, the court described how medical monitoring furthers 'the public interest in early detection and treatment of disease.'[10]

Medical monitoring will help affected Mainers hold responsible parties liable. Medical monitoring will help affected Mainers collect the evidence they will need to hold manufacturers accountable for covering up data about health consequences, for example, and may enable them to bring a legal case without waiting for serious disease and death to manifest. Otherwise, the responsible party is more likely to escape liability by arguing that during the long latency period, other intervening forces could have caused the injury.[11]

There is precedent for a government-funded and run medical monitoring program.

- Maine's **Childhood Lead Poisoning Prevention Program** is one model for such a program. In 2021, The State of Maine received $350,000 through a cooperative agreement from the Centers for Disease Control and Prevention (CDC). The funds address childhood lead poisoning prevention and surveillance programmatic activities being conducted from September 30, 2021 to September 29,

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[5] Environmental Protection Agency, Our Current Understanding of the Human Health and Environmental Risks of PFAS, https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas (Last accessed March 2, 2022)

[6] See, "Severity of COVID-19 at elevated exposure to perfluorinated alkylates," Philippe Grandjean , Clara Amalie Gade Timmermann, Marie Kruse, Flemming Nielsen, Pernille Just Vinholt, Lasse Boding, Carsten Heilmann, Kåre Mølbak (December 31, 2020), https://doi.org/10.1371/journal.pone.0244815

[7] Megan Noonan, *THE DOCTOR CAN'T SEE YOU YET: OVERCOMING THE "INJURY" BARRIER TO MEDICAL MONITORING RECOVERY FOR PFAS EXPOSURE*, 45 VT. L. REV. 287, Available at: https://lawreview.vermontlaw.edu/wp-content/uploads/2021/01/Noonan.pdf

[8] Id.; Ayers v. Jackson Twp., 106 N.J. 557, 604, 525 A.2d 287, 311 (1987)

[9] Bryce T. Hensley & David A. Neiman, The Need for Medical Monitoring in Illinois, July 30, 2021, Romanucci & Blandin, Available at: https://www.rblaw.net/blog/the-need-for-medical-monitoring-in-illinois

[10] Ayers v. Jackson Twp., 106 N.J. 557, 604, 525 A.2d 287, 311 (1987)

[11] Megan Noonan, THE DOCTOR CAN'T SEE YOU YET

2022. The activities focus on: ensuring blood lead testing and reporting; enhancing blood lead surveillance; and improving linkages to recommended services.[12]

- On the federal level, an example of a government medical monitoring program is the **World Trade Center Health Program**. The Zadroga Act created the WTC Health Program and reopened the September 11th Victim Compensation Fund (VCF). The Program provides monitoring and treatment for specific health conditions that have been determined to be 9/11-related. The VCF provides monetary compensation to individuals or surviving family members whose injuries, illnesses, or deaths were related to 9/11. The Program is housed under the U.S. Department of Health and Human Services and administered by the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.[13]

THE SUPPLEMENTAL BUDGET SHOULD INCLUDE FUNDING FOR FARM BUYOUTS AND RELOCATION. DACF has proposed using some of the supplemental budget allocation in LD 1995 to replace a year or season of lost income for farmers who have been impacted by PFAS contamination. While this program is welcome, farmers need more. Given the significant revenue surplus Maine is experiencing, this is the time to set aside some of this one-time money for a program to help save Maine's agricultural economy. We know that nine farms are already impacted including three dairies and 5 vegetable farms. Another 30 farms are, according to DEP, most likely to be found to be contaminated based on a review of sludge and septage permits. Income replacement for a year at 35 farms could top $35M, and the cost of buying farmland and relocating heavily contaminated farms could be $50M.

These are big numbers, but as we have pointed out, all of Maine's farm economy is being harmed by PFAS either directly or indirectly. It is heartbreaking to see so many of Maine's young, energetic, and committed farmers potentially driven off their farms and out of agriculture. They are our future and the future of the State's agricultural economy. We have the resources right now to make this right, and we should do so.

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[12] Maine, Childhood Lead Poisoning Prevention, Center for Disease Control and Prevention (Last Assessed March 2, 2022), Available at: https://www.cdc.gov/nceh/lead/programs/me.htm

[13] U.S. Center for Disease Control and Prevention, History, World Trade Center Program, https://www.cdc.gov/wtc/history.html.

PFAS Investments in Maine **Summary March, 3 2022**

2022/2023 Biennial State Budget (PL2021, C398): $30 million for PFAS

- $20 million and 17 positions for DEP sampling and private drinking water treatment systems
- $10 million and 2 positions for DACF farm sampling, technical assistance, and financial support.

2021 Remediation Fund transfer

- $4.3 million for DEP sampling and private drinking water treatment systems, 50% for PFAS specifically

Maine Jobs & Recovery Plan (PL2021, C483)

- $5 million for DEP sampling and private drinking water treatment systems
- $22 million for wastewater infrastructure (DEP), can include PFAS treatment
- $25 million for drinking water infrastructure (DHHS), can include PFAS treatment

2022/2023 Supplemental State Budget request: $9.3 million for PFAS (details on page 2)

- $3 million to DACF for farm assistance and 6 positions ($669,815 for Personal Services and All Other in FY23)
- $3.2 million to DEP for contract laboratory capital investments
- $1 million for state Health and Environmental Testing laboratory
- testing equipment and 3 positions ($600,372 in FY23 for Personal Services and needed testing supplies)
- $635,400 to IFW for statewide wildlife testing and 1 position and reallocating some costs of certain positions ($207,374 total Personal Services for FY22/23)

Federal Infrastructure Bill

- Maine is targeted to receive funds to address emerging contaminants in drinking water, which will likely mostly be targeted to PFAS.

<u>PFAS specific funding</u>

2021 Budget = $30 million

2021 Remediation Transfer = $2.1 million

2021 Maine Jobs & Recovery Plan = $5 million

2022 Supplemental Budget = $9.3 million

2 year Total = $46.4 million

PFAS Investments in Maine

Summary March, 3 2022

DEPT_NO	CHANGE_PACKAG	CHG_PKG_DESCR	FY22 GF	FY23 GF
AGR	F-A-7000	Establishes one Agricultural Compliance Officer position in the Bureau of Agriculture program and provides funding for related All Other costs associated with the position in the Bureau of Agriculture and the Office of the Commissioner programs to focus on perfluoroalkyl and polyfluoroalkyl (PFAS) field work and outreach to farmers.	-	104,821
AGR	F-A-7001	Establishes one Management Analyst II position in the Bureau of Agriculture program and provides funding for related All Other costs associated with the position in the Bureau of Agriculture and the Office of the Commissioner programs to assist tracking all financial transactions related to perfluoroalkyl and polyflouroalkyl (PFAS) mitigation efforts.	-	99,118
AGR	F-A-7002	Establishes one State Veterinarian position in the Bureau of Agriculture program and provides funding for related All Other costs associated with the position in the Bureau of Agriculture and the Office of the Commissioner programs to assist with live animal risk assessment and management on perfluoroalkyl and polyfluoroalkyl (PFAS) impacted farms.	-	145,145
AGR	F-A-7003	Establishes one Agricultural Compliance Officer position in the Bureau of Agriculture program and provides funding for related All Other costs associated with the position in the Bureau of Agriculture and the Office of the Commissioner programs to focus on food safety issues that could arise from perfluoroalkyl and polyfluoroalkyl (PFAS) impacted farms.	-	92,821
AGR	F-A-7004	Establishes one Public Service Manager II position in the Bureau of Agriculture program and provides funding for related All Other costs associated with the position in the Bureau of Agriculture and the Office of the Commissioner programs to manage all perfluoroalkyl and polyfluoroalkyl (PFAS) related activities.	-	125,459
AGR	F-A-7005	Establishes one Agency GIS/Technology Coordinator position in the Bureau of Agriculture program and provides funding for related All Other costs associated with the position in the Bureau of Agriculture and the Office of the Commissioner programs to focus on perfluoroalkyl and polyfluoroalkyl (PFAS) related data management.	-	102,451
HUM	F-A-1148	Provides one-time funding to purchase Polyfluoroalkyl Substances (PFAS) testing equipment for the Health and Environmental Testing Laboratory.		1,004,000
HUM	F-A-1149	Establishes 2 Chemist II positions and one Chemist I position and provides funding for Polyfluoroalkyl Substances (PFAS) testing capacity in the Health and Environmental Testing Laboratory. Also provides funding for related All Other costs.	-	600,372
INL	F-A-7242	Establishes one IF&W Senior Resource Biologist position and provides funding for All Other to conduct testing for perfluoroalkyl and polyfluoroalkyl substances.		739,465
INL	F-A-7243	Reallocates some of the cost of 4 IF&W Resource Supervisor positions	20,535	82,774
		Language Transfer to DEP	3,200,000	
		Language Transfer to AGR	3,000,000	
			6,220,535	3,096,426

NARRATIVE

Per- and poly-fluoroalkyl substances (PFAS) are a family of thousands of compounds containing at least one fully fluorinated carbon atom. These compounds are used in a wide variety of products, including fire-fighting foam, cookware, textiles, food packaging. PFAS exposures can contribute to increased risk of kidney and testicular cancer, increased cholesterol levels, changes in liver enzymes, and decreased immune responses.

Maine has an interim drinking water standard of 20 parts per trillion (ppt) for the sum of 6 PFAS. The wells of more than 200 Maine homes have been found with PFAS levels above the drinking water standard, with some exceeding 100,000 ppt. PFAS have also been found in wastewater, soil, fish and wildlife, vegetation, and some food products. Some Maine farms have been forced to pull their products from sale due to contamination. Although PFAS have been widely used in commerce for decades throughout the U.S., Maine has taken the lead in investigating the extent of contamination statewide and eliminating harmful exposures.

Department of Environmental Protection (DEP): Description of sampling and private drinking water treatment systems.

Funds have been appropriated to DEP from the Biennial Budget and Maine Jobs and Recovery Plan to investigate and remediate contamination of private water supplies, including remediation strategies to prevent additional contamination.

DEP has established contracts with vendors for bottled water, for installation of PFAS treatment systems on private wells, and for laboratory analysis of samples. As of January 2022, more than 200 treatment systems have been installed.

DEP has spent $1.25 million to date in FY 22 for laboratory services, bottled water distribution, contractual support for additional sampling, and contractual support for engineering work and design. For comparison, costs spent in previous fiscal years:

- FY 2021 $480K
- FY 2020 $ 56K
- FY 2019 $8K

DEP: $22 million for wastewater infrastructure, can include PFAS treatment
Maine Jobs & Recovery Plan funds allocated to the Clean Water State Revolving Fund (CWSRF) for investments in wastewater treatment facilities can include PFAS treatment technologies, or other capital investments and engineering designs for facility changes to manage for PFAS in wastewater. This can include sludge dewatering and drying systems to prepare sludge for landfilling, additional flocculation stages, and PFAS filtration

systems. However, there was an estimated $1 billion need for investments in Maine's wastewater treatment infrastructure prior to recent efforts to capture PFAS that also remains a priority for water quality protection.

DEP: Plan for lab infrastructure $3.2. This initiative provides $3,200,000 for DEP to contract with Maine laboratories to invest in capital equipment necessary to provide certified PFAS analytical services to DEP and other public and private customers. DEP will utilize a competitive process to establish one or more contracts. This is necessary due to insufficient capacity of existing certified laboratories, resulting in month-long waiting times for sampling results. This funding will be available only for laboratory analysis conducted within Maine. DEP estimates collecting roughly 50,000 samples for the sludge and septage site investigation, and that additional samples will be collected by other state agencies, consultants, and property owners.

Department of Agriculture, Conservation and Forestry (DACF): Description of farmer assistance and other activities.

DACF's goal is to identify, then limit or eliminate the PFAS in impacted products at farms, wherever possible, enabling farms to regain viability. Where PFAS contamination is confirmed in the soil and/or groundwater at a farm above state screening levels, DACF will test products, additional farm field soils, water sources, and feed to determine and monitor levels of contamination. Determining the level of impact, implementing management changes, and ongoing monitoring are steps that can take several months to be carried out. With existing funding, DACF can underwrite all the testing necessary at these farms, which can be copious, and provide ongoing monitoring. DACF will reimburse farms that self-test for PFAS, provided the tests are shared with DACF and other criteria are met. DACF will pay for the installation of water treatment systems for farm-water sources and is currently building out an income replacement program that may provide PFAS-impacted farms up to one-year gross income payments, based on several factors. DACF can also cover the costs of animal humane depopulation efforts, if necessary, as well as composting.

To date, approximately $1.05 million of the FY22 budget has been spent, encumbered, or is pending payment. Several new farms have recently been identified that need DACF's assistance, which will accelerate spending on testing, remediation, and farm income replacement. DACF is working with ten (10) impacted farms at present and anticipates that number increasing as DEP's tiered testing program continues to expand, and as some farms elect to self-test rather than wait in the queue for DEP testing.

The FY 22/23 supplemental funding will continue to allow DACF to pay for the testing and assistance mentioned above, as well as fund six new critical positions. These include

two additional field agents (Agricultural Compliance Officers - ACO) who will directly interface with impacted producers and make permanent the funding for a separate ACO that was hired for PFAS work in the FY21 budget. A veterinarian will join the team to help provide technical assistance directly to livestock producers and coordinate with federal partners regarding depopulation efforts. DACF will hire a Public Service Manager II to manage and oversee all PFAS activities by the department as well as a GIS programmer to provide critical data management assistance. Last, a Management Analyst II will manage the indemnification program and monitor the Department's timely and accurate PFAS budgetary spending.

DACF has actively engaged on an ongoing basis with the Maine delegation and federal agencies to advocate for federal financial and technical support to PFAS-impacted producers, to establish federal standards for food, to accelerate research regarding animal and plant uptake of PFAS, depuration of animals, animal testing methodologies, and more.

Inland Fish and Wildlife (IF&W): Plan for position and plan for wildlife testing.

The initiatives for Inland Fish and Wildlife includes $104,065 in personal service and $635,400 in all other funding for one full-time IF&W Senior Biologist position to coordinate the study design, collection, and analysis of up to 500 fish and wildlife samples to assess PFAS levels and inform public consumption advisories. This position and all other funding will coordinate sampling efforts with other state agencies, oversee contract staff for sample collection, purchase field equipment, and pay for laboratory costs and disposal.

A second initiative includes an increase in general fund of $20,535 in fiscal year 2022 and $82,774 in fiscal year 2023 for personal services to cover time for existing fisheries and wildlife staff to facilitate sample collection, including identifying sample locations, providing daily supervision of contract staff, and securing landowner permission for sample collection. These positions are currently funded primarily with federal grant dollars that are not eligible to use for PFAS related work; an increase in general fund for these existing positions will minimize the request for new positions required for the Department to address concerns related to PFAS contamination in fish and wildlife.

Department of Health and Human Services (DHHS): Health Environmental Testing Lab: Requesting $1 million in FY22/23 supplemental to purchase Polyfluoroalkyl Substances (PFAS) testing equipment for the Health and Environmental Testing Laboratory. This will cover public health sampling of up to 5,000 samples for other state agencies. State agencies will utilize other laboratories at their own expense for the bulk of the routine sampling.

DHHS: Descriptions of drinking water programs and the link to PFAS work

SP 64 mandates that all public water systems (PWS) that are either community water systems or schools and childcare facilities must sample their finished drinking water for PFAS before December 31, 2022. That testing is being conducted at the expense of the PWS and not being paid for with State funds. Any PWS that detects PFAS must continue to sample at either a quarterly or annual frequency, depending on the levels, also at their own expense. A PWS with PFAS levels of over the current regulatory limit of 20 parts per trillion (ppt) in their finished drinking water will be required to conduct additional investigatory sampling and develop a plan to reduce these levels below 20 ppt.

Separately, as part of the recently passed Bipartisan Infrastructure Law, Maine is targeted to receive $7.5M annually for the next five years to address emerging contaminants in drinking water, which will likely mostly be targeted to PFAS. DEP also received separate funding for wastewater.