



MOFGA Testimony In Support Of
LD 1911 - *An Act To Prohibit the Contamination of Clean Soils with So-called Forever Chemicals*
January 24, 2022

Good morning Senator Brenner, Representative Tucker and members of the Joint Standing Committee On Environment and Natural Resources. My name is Heather Spalding and I am the deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). MOFGA supports LD 1911 - *An Act To Prohibit the Contamination of Clean Soils with So-called Forever Chemicals* because we see this as an urgent opportunity to turn off another PFAS tap. This bill will require PFAS screening of sludge and sludge-derived compost to prevent further contamination of our land and water.

MOFGA is creating 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. We envision a future of healthy ecosystems, communities, people and economies sustained by the practices of organic agriculture. This is vision of an agriculture that generates the vast majority of the state's food supply with locally, organically grown produce.

As you are well-aware, perfluoroalkyl and polyfluoroalkyl substances (PFAS) comprise a group of more than 9,000 synthetic, fluorinated chemicals that are commonly used in consumer products like cosmetics, food packing and coated paper, non-stick cookware, water-repellent clothing, stain-resistant carpets and furniture and other household cleaners, as well as in industrial materials like firefighting foam. The chemical giant Dupont developed PFAS and, along with other chemical companies, has been marketing them since the 1950s, despite knowing the threat that PFAS pose to human and environmental health.ⁱ Maine is struggling with widespread PFAS contamination resulting, in large part, from sludge spreading on farms since the 1980s.

Often referred to as “forever chemicals” due to their persistence in the environment, PFAS are designated by the International Agency for Research on Cancer as a possible carcinogen based on epidemiological evidence linking exposure to kidney and testicular cancer. Occupational and community-based studies also indicate an elevated risk of prostate cancer with exposure to PFAS.ⁱⁱ Other associated health risks include: decreases in fertility or increases in high blood pressure in pregnant women; reduced ability of the body's immune system to fight infections including reduced vaccine response; child development effects including low birth weight, accelerated puberty, bone variations or behavioral changes; interference with the body's natural hormones; and increased cholesterol levels and/or risk of obesity.ⁱⁱⁱ Almost all of us, including infants, have PFAS in our blood.

PFAS also appear to be “everywhere chemicals” as testing reveals their presence worldwide.^{iv} They are considered “PMT” chemicals due to their “persistent, mobile and toxic” behavior in the environment. The strong bond between fluorine and carbon atoms in PFAS may allow them to linger in the environment for hundreds of years. These substances move through the air, groundwater and the food

system quickly, and they threaten the health of humans and wildlife at extremely low doses (parts per trillion).^v

Decades of spreading municipal sewage sludge, septage and industrial residuals used as fertilizer has contaminated Maine farmland and wells with PFAS, sometimes at extremely high levels.^{vi vii} This is a grave concern for all Maine farm families and the communities that support them, and we fear that we are just scratching the surface of the problem. Two Maine dairy farms have been forced out of business due to PFAS contamination. DEP has identified at least 700 sites around the state where they will prioritize PFAS testing in the next three years. Hundreds of wells already are known to have PFAS contamination levels far in excess of the state's maximum contamination level of 20 parts per trillion. And in late 2021, the Department of Inland Fisheries & Wildlife issued a "do not eat" advisory for deer harvested in the greater Fairfield area due to high levels of PFAS in the venison. These scenarios all tie directly to land application of sludge over many years.

Organic farmland is not immune to the effects of PFAS, as you will hear in testimony today. While USDA's National Organic Program Rule prohibits organic certification of crops grown on land where biosolids have been spread within the last three years, the persistence of PFAS in biosolids is proving to have a legacy effect on organic farmland. We are extremely concerned about PFAS contamination on all farms in Maine, including certified organic operations that once were managed conventionally and may have had sludge applications. Because we have neither federal safety thresholds for PFAS-contamination of all foodstuffs, nor guidance on the safety of growing different crops on soil with varying levels of PFAS-contamination, farmers are increasingly concerned about planning for the upcoming growing season. Though contamination happened through no fault of their own, they won't, in good conscience, grow and sell crops that might not be safe for their customers.

MOFGA staff members have been providing technical and financial support to farmers who are concerned about PFAS contamination on their property. In collaboration with DACF and Maine Farmland Trust, MOFGA developed the Maine PFAS Emergency Relief Fund, which helped farmers pay for PFAS contamination testing.

The Department of Environmental Protection (DEP) has set a screening level for three types of PFAS in sludge, and testing shows that 95% of sludge exceeds safety levels for at least one of the chemicals. Though the data should be cause for concern, state policy allows the sludge to be mixed with clean soil or compost in order to dilute the contamination, and then to be spread on land. Effectively, this policy condones the spreading of persistent toxins on the same land year after year, which is the very practice that led to the PFAS crisis we're now experiencing in Maine. LD 1911 would stop this.

We appreciate that the Department of Agriculture, Conservation and Forestry is working tirelessly with the DEP and Maine's Center for Disease Control and Prevention to determine the extent of the PFAS problem on Maine farms. We also recognize that data collection will be a continuously moving target unless we turn off the PFAS taps. That is why LD 1911 is such a critical piece of legislation. If sludge is deemed too toxic to spread on land because of its PFAS content, it should not be mixed with

clean soil (a precious and finite resource) or rerouted temporarily to composting facilities to be repackaged as safe fertilizer for farms and gardens.

As Maine develops a coordinated action plan to prevent further PFAS contamination, it is imperative to take a precautionary approach. We understand that it will take time to develop safety standards and carry out extensive testing, to provide technical, emotional and financial support for people whose bodies, land and water have been poisoned, and to hold PFAS manufacturers accountable for the harm they have created. While we're working to make all of that happen, let's prevent further contamination of our land and water and close the loophole on spreading PFAS-contaminated sludge and compost.

Thank you for your consideration and for all the hard work and leadership that your committee has put in to address the PFAS crisis in Maine. 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 11,000 members, we certify more than 500 organic farms and processing facilities representing \$90 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.

ⁱ Rich, Nathaniel. [The Lawyer Who Became Dupont's Worst Nightmare](#). New York Times. January 6, 2016.

ⁱⁱ National Institute of Health, National Cancer Institute, Division of Cancer Epidemiology & Genetics. [PFAS Exposure and Risk of Cancer](#).

ⁱⁱⁱ Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention. [PFOS, PFOA and other PFAS Questions and Answers](#). July 7, 2021.

^{iv} U.S. Environmental Protection Agency, [PFAS Explained](#). "PFAS are found in water, air, fish, and soil at locations across the nation and the globe." October 2021.

^v U.S. Environmental Protection Agency. Drinking Water Health Advisories for PFOA and PFOS.

^{vi} Schipani, Sam. [Maine farmers get little help cleaning up 'forever chemical' contamination](#). Bangor Daily News. June 1, 2021.

^{vii} Shelly, Molly. [Chemicals found in well as investigation continues into contamination at Fairfield dairy farm](#). Morning Sentinel. October 27, 2020.