



SIERRA CLUB

MAINE CHAPTER

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To: Committee on Environment & Natural Resources

From: Ania Wright, Legislative & Political Specialist, Sierra Club Maine

Date: April 19, 2023

Re: Testimony in Support of LD 508; **Resolve, Directing the Department of Environmental Protection to Review Its Environmental Permitting Laws**

Dear Senator Brenner, Representative Gramlich, and esteemed members of the Committee on Environment and Natural Resources:

I am submitting the following testimony on behalf of Sierra Club Maine, representing over 22,000 supporters and members statewide. Founded in 1892, Sierra Club is one of our nation's oldest and largest environmental organizations. We work diligently to amplify the power of our 3.8 million members nationwide as we work towards combating climate change and promoting a just and sustainable economy. We urge the Committee to vote 'ought to pass' on LD 508; *Resolve, Directing the Department of Environmental Protection to Review Its Environmental Permitting Laws*, as amended by the bill sponsor.

Ensuring we are protecting our environment and resources is of utmost importance to the State of Maine. With our climate changing and higher demands on our natural resources, we urge agencies like the Department of Environmental Protection (DEP) to consider whether its statutory authority "requires any changes in order to better consider climate change, habitat connectivity, ecological resilience and the coastal marine environment." We also agree that DEP needs to determine impacts from different types of environmentally harming aquaculture. The working group that would be established by L.D. 508 would help provide vital information to the State and its citizens, particularly as finfish net pen aquaculture projects continue to be proposed along the coast.

Sierra Club discourages the use of net pen finfish operations because of their high potential to impact natural ecosystems¹. Over the last 30 years, net pen aquaculture systems have made their way into shallow sensitive marine ecosystems, often with anticipated detrimental impacts². These systems replicate many of the problems of Concentrated Animal Feeding Operations (CAFOs), allowing pollution, pathogens and parasites to flush through containment nets or over containment structures into surrounding waters. We encourage the committee to read our white paper on industrial finfish aquaculture for further information: <https://bit.ly/SCIndustrialFinfish>

Regarding the working group established by L.D. 508 we recommend that the Committee consider adding an independent water quality scientist, an independent marine scientist, and an aquaculture nutritionist³ to the working group in order to help inform the members of accurate and independently verified data and impacts.

¹ <https://www.sierraclub.org/policy/agriculture/food>

² <https://www.sciencedaily.com/releases/2021/05/210526150216.htm>

³ *Feed is a direct source of pollution to the surrounding environment, and the substances in the feed would also be in the waste of a net pen facility. More information in this video:* <https://www.youtube.com/watch?v=uu64t4e6bXE>



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Regarding the scope and focus of the working group, Sierra Club has identified key areas where current statute is missing or falls short of protecting against ill effects of net pen finfish facilities. We recommend the working group consider:

- Requiring all net pen finfish operations to adhere to the Clean Water Act standards of discharge elimination;
- Requiring livestock be disease free to ensure the health of the surrounding environment, and requiring frequent testing for disease and reporting to the public and regulatory agencies;
- Developing a stiff penalty for escapes and requiring 24 hour monitoring with real time data uploading for enforcement purposes;
- Requiring 4D modeling programs to ensure there is no accumulation of effluent in the facilities or current driven ecosystems, and set standards for testing protocols and measurable requirements;
- Establish a set of measurable water quality metrics to be maintained, with stiff fines that adequately incentivize proper procedure and revocation of permits if the metrics are not met;
- Study the need for further collaboration and clarification of roles for DMR and DEP regarding permitting;
- Create recommendations for the addition of DEP staff and capacity for the enforcement of any requirements; and
- Analyze the current fee structure for large aquaculture projects to ensure fees are meeting the scale of enforcement needed for the facilities

Additionally, the Sierra Club testified earlier this year on L.D. 586, a bill regarding Industrial Recirculating Aquaculture Systems (RAS). Though these two types of facilities differ greatly in possible environmental impacts, there are similar shortfalls in the current regulations of the facilities. We encourage the committee to refer to our letter to the Marine Resources Committee on RAS for further ideas and suggestions of possible changes to statute: <https://bit.ly/LD586letter>

In summary, the creation of a working group to review the environmental permitting laws regarding net pen finfish aquaculture is vital to protecting the environment and resources of Maine. We urge the committee to vote 'ought to pass' on L.D. 508. Thank you for your time and consideration.

Sincerely,

Ania Wright
Legislative and Political Specialist
Sierra Club Maine