



**Joint Committee on Environment and Natural Resources**

**LD 1621**

**An Act Regarding Environmental Justice**

**TESTIMONY IN SUPPORT**

**Public Hearing**

**April 24, 2023**

Honorable Senator Brenner, Chair; Honorable Representative Gramlich, Chair; and Honorable Committee Members:

Thank you for the opportunity to offer testimony **IN SUPPORT for LD 1621**. My name is Jacquelyn Elliott. For nearly three decades I have been an environmental health and justice advocate and today I am offering testimony as a Board Member of Slingshot.

Slingshot is an environmental health and justice organization, working alongside communities most impacted by environmental health threats to take aim at polluters and build community power. Whether your community is facing polluted water, a leaking landfill or air pollution from oil tanks in your backyard, you deserve to know the facts, make your voice heard, and create the changes you want to see. Slingshot is a team of seasoned organizers, bringing decades of experience working on campaigns in the region to organize alongside communities for a healthier, more just world.

From this work, we know that Maine people are currently living the nightmare of lands, waters, wildlife and human bodies contaminated with health-threatening levels of [PFAS<sup>1</sup>](#) forever chemicals. Families have lost farms, livestock, crops and livelihoods and are

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<sup>1</sup> PFAS Project Lab, Northeastern University, *Studying Social, Scientific, and Political Factors of Per- and Polyfluoroalkyl Substances*. <https://pfasproject.com/>

facing uncertain futures around health outcomes for themselves and loved ones. They are victims of regulation and a process that did not adequately consider harmful impacts resulting from policy decisions. PFAS are only one class of toxic chemicals that threaten the well-being of Maine's people.

Our indigenous neighbors cannot follow their cultural subsistence practices because the [fish<sup>2</sup>](#) in the rivers sacred to them, are contaminated with PFAS, dioxin and other toxics at levels that could endanger health if consumed traditionally. It is clear we need a definition of EJ (Environmental Justice) in Maine law to adequately protect the communities in this state.

**LD 1621** replicates the DEP (Department of Environmental Protection) -related portions of **LD 2018**. This legislation was voted **OUGHT TO PASS last year** in the ENR (Joint Committee on Environment and Natural Resources), and was supported by DEP (Department of Environmental Protection). The bill was enacted into law and subsequently removed during the appropriations process.

Advancing toward the goal of EJ in decisions will require political courage and a commitment to provide resources to implement policy. Outcomes from decisions intersect. Policy choices are not isolated one from another. Bottom line, decisions are made that determine the way people get to live their lives and raise their families. As a once-resident of a front line community and someone who continues to work with those living in front line communities, I welcome this effort with **LD 1621** to codify the rights of all citizens to live in neighborhoods protected from environmental pollution; to have the option for equal and meaningful participation in the development, employment, and application of environmental laws and policies; and able to depend on the fact those rights are enshrined in statute and rules as a public purpose.

However, for this bill to be effective, we need to make it significantly stronger. We need to add definitions for Environmental Burdens & Benefits, as well as EJ principles. We

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<sup>2</sup> 2021 ATSDR Annual Report, *Helping the Penobscot Indian Nation. Review of Anadromous Fish for Consumption*:  
<https://www.atsdr.cdc.gov/2021-annual-report/listening-responding-taking-action/Penobscot-River.html#:~:text=ATSDR%20identified%20anadromous%20fish%20species%20in%20the%20river,were%20identified%20and%20described%20in%20this%20fact%20sheet.>

need to require the DEP to have a community engagement plan and conduct a cumulative environmental benefit and burden analysis whenever they are facing a decision with the potential to impact Maine's EJ populations. We need an EJ Advisory Council, and we must have deadlines to ensure these actions are implemented.

**LD 1621** establishes viable steps to begin that process and seeks to provide state agencies and policy makers with a framework for decision making that includes EJ considerations. Maine must have clear and enforceable methods for engaging impacted citizens and defending the rights of those customarily disregarded and exploited in policy decisions. **LD 1621** acknowledges long overdue safeguards for Maine's most neglected citizens who currently face excessive environmental, energy, and transportation burdens and challenges. **LD 1621 moves in the direction for all Maine's citizens to share benefits and burdens of environmental policy decisions more equitably. It is an essential beginning.**

**Additional Considerations Going Forward:**

- We must continue to enhance opportunities for most-impacted citizens to participate meaningfully in environmental decisions from the beginning of those processes.
- We must improve environmental review for new or expanding sources of air emissions and polluting discharges to water sources in already burdened communities with particular attention to waste processing and disposal operations; energy production; manufacturing and other facility operations.
- There should be consideration of cumulative and synergistic impacts from all contributing sources in an area within a context of presumed contamination as relates to known toxics and exposures.
- We must ensure that existing facilities in these burdened communities comply with all environmental rules and regulations and employ CEM

(continuous emissions monitoring) and utilize BACT (best achievable control technology) for their operations.

- We should encourage investment where there is existing infrastructure and the opportunity to remediate contaminated sites and develop clean, productive use of that property.

Amendments have been brought forth for consideration that further clarify the definition of EJ and its application. I would ask that the Committee vote **OUGHT TO PASS WITH PROPOSED AMENDMENTS.**

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