



Testimony of the Maine Organic Farmers and Gardeners Association

in Opposition to

LD 1982 - *An Act to Ensure Uniformity in the Regulation of PFAS*

May 19, 2025

Good morning Senator Tepler, Representative Doudera and members of the Environment and Natural Resources Committee. My name is Heather Spalding and I'm deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). We appreciate this opportunity to testify on LD 1982 - *An Act to Ensure Uniformity in the Regulation of PFAS*. MOFGA strongly opposes this late-filed bill.

About MOFGA.

A broad-based community, MOFGA is transforming our food system by supporting farmers, empowering people to feed their communities, and advocating for an organic future. MOFGA currently certifies 520 organic farms and processing operations representing more than \$120 million in sales. We're 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.

MOFGA'S interest and expertise.

MOFGA has a strong interest in this legislation. Since 2016, when PFAS was first found to have contaminated water, milk and soils at a Maine dairy farm, MOFGA has been on the front lines working with farmers experiencing PFAS contamination of their farmland and water. Maine farmers, including organic farmers, have been hit hard by the PFAS crisis. According to Maine Department of Environmental Protection (MDEP) reports, as of October 30, 2024, 82 farms, both conventional and organic, have been affected by PFAS contamination, with 5 going out of business as a result, and 3 others with substantially diminished businesses.¹ Some exposed farm families, including organic farmers, have unimaginably high levels of PFAS in their blood.² MOFGA farmer members and staff were deeply involved in the initial advocacy creating Maine's PFAS Fund and in assisting farmers affected by PFAS. Caleb Goossen, Ph.D., MOFGA's organic crop and conservation specialist, is currently researching PFAS in soils and has co-authored a peer-reviewed field study into the uptake of PFAS into mixed grasses and legumes from soil amended with sewage sludge.³

¹ Maine Department of Environmental Protection, "Status of Maine's PFAS Soil and Groundwater Investigation at Sludge and Septage Land Application Sites" (January 15, 2015) and Correction Sheet (January 24, 2025), <https://www.maine.gov/tools/whatsnew/attach.php?id=13144983&an=1>

² For example, one organic farmer reported bloodserum concentration of 3,547 ppb for a sum of six chemicals – 177 times the elevated risk threshold identified by the National Academies. His drinking water was contaminated with PFAS from sewage sludge applied to fields years before he and his wife purchased their farm. See Testimony of Adam Nordell in support of LD 132, An Act to Require Health Insurance Carriers to Provide Coverage for Bloodtesting for Perfluoroalkyl and Polyfluoroalkyl Substances, <https://legislature.maine.gov/testimony/resources/HCIF520230328Nordell133240769978376596.pdf>

³ Uptake of Per- and Polyfluoroalkyl Substances in Mixed Forages on Biosolid-Amended Farm Fields, Thomas L. Simones, Chris Evans, Caleb P. Goossen, Richard Kersbergen, Ellen B. Mallory, Susan Genualdi, Wendy Young, and Andrew E. Smith, Journal of Agricultural and Food Chemistry 2024 72 (42), 23108-23117, <https://pubs.acs.org/doi/10.1021/acs.jafc.4c02078>.



MOFGA's Comments.

LD 1982 would mandate a cobbled-together definition of PFAS that is not based on science. Adopting this definition into law would undermine and disrupt years of thoughtful policy enacted since PFAS emerged in the state in 2016 as a threat to farming and food. Cleaning up past PFAS contamination, and preventing future harm from these cancer-causing, persistent, ubiquitous, and mobile contaminants is a complicated and expensive proposition.

Wouldn't it be wonderful if the scope and expense of this environmental crisis could be instantly reduced simply by changing the definition of PFAS? Unfortunately, that is magical thinking. PFAS contamination, and the health impacts of the chemicals currently defined as PFAS under Maine law, cannot be wished away. LD 1982 -- by seeking to remove from regulation thousands of chemicals currently classified as "PFAS" -- threatens the health of Maine people, the cleanliness of soil and water, and the ongoing viability of Maine farms and integrity of our agricultural products.

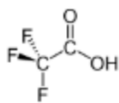
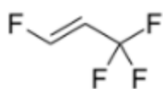
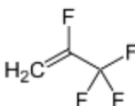
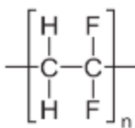

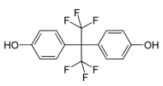
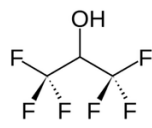
- **LD 1982 seeks to impose already-rejected changes.** Just last session, this Committee painstakingly reviewed Maine PFAS laws and regulations, limiting the scope of some restrictions, speeding up the implementation of other policies, and carving out some safe harbors for "currently unavoidable uses." At that time, this Committee and the Legislature reaffirmed the definition of PFAS as a class of man-made chemicals containing at least one fully fluorinated carbon atom. This definition has been incorporated throughout Maine law since 2019. It is a science-based definition adopted by 24 states⁴ and used by the Department of Defense and Congress. More than 150 non-industry scientists agree that this is the appropriate definition for PFAS.⁵ By dramatically narrowing the definition of what chemicals constitute "PFAS," LD 1982 would unravel the thoughtful work of this Legislature which already carefully targeted the scope and timetable of state regulations and established a process for companies to seek exemptions where warranted.
- **LD 1982 is an attempt to hide information from the public and state regulators.** This legislation is an obvious attempt to circumvent the process set up under Maine's PFAS products law so that companies can avoid reporting the use of PFAS in their products. It would disrupt the regulatory process that is well underway in the Maine Department of Environmental Protection (Maine DEP), wasting staff time and causing confusion for both consumers and the regulated community. Adopting the narrow definition of PFAS in LD 1982 would make it impossible for consumers to make informed decisions to protect themselves from further exposure to PFAS, and to share important health information about exposure with their health care providers.
- **The changes proposed in LD 1982 aren't trivial - people would be harmed.**⁶ The chemicals excluded from regulation by LD 1982 can cause serious harm and already are contaminating the environment and our homes. We need to stop this contamination, not facilitate it. Unregulated Fluoropolymers under this definition include PTFE, or Teflon, which is found in cookware. Fluoropolymers are made with PFAS like PFOA and GenX that are linked to serious health issues, and PTFE itself is associated with male fertility issues.

⁴ SaferStates, <https://www.saferstates.org/wp-content/uploads/PFAS-Definition-Factsheet.pdf> (March 2025)

⁵ "Scientists' Statement on Defining PFAS" (May 7, 2024), <https://drive.google.com/file/d/1YLB2zvWG5Ez6VeMqqbw77LpVEj0JTj1H/view>. Maine's definition of PFAS is consistent with the definition from the Organisation for Economic Co-operation and Development (OECD), developed by an international group of scientists representing a variety of stakeholder viewpoints, including U.S. EPA scientists, other foreign government agencies, industry (Chemours) representatives, and independent academic institutions.

⁶ See Table 1 for examples of potentially excluded PFAS. Source: Dr. Katie Pelch, Senior Scientist, Environmental Health, Natural Resources Defense Council

Significantly, the definition of PFAS in LD 1982 could exclude Trifluoroacetic acids (TFA) from regulation. TFA is a persistent and mobile substance that has been increasing in concentration in the environment through rainfall, soils, human serum, plants, plant-based foods, and drinking water. Currently, TFA concentrations are orders of magnitude higher than those of other PFAS. Many PFAS having TFA as a transformation product, including several fluorinated gases, pesticides, pharmaceuticals, and industrial chemicals, in addition to direct release of industrially produced TFA. Due to TFA's extreme persistence and ongoing emissions, concentrations are increasing irreversibly. A recent review of 43 studies reporting on TFA concentrations casts doubt on industry claims that shorter-chain PFAS such as TPA are less hazardous than longer-chain PFAS. Industry assumptions that ultra-short PFAS are less harmful than other PFAS do not consider TFA's ubiquitous accumulation in the environment, in particular its observed accumulation in water resources and bioaccumulation in various plants, including crops.⁷

Table 1: Select important PFAS that are left out of this unscientific definition		
TFA		Breakdown product of HFOs; used in medicinal and pesticide production; used in cosmetics
HFO-1234ze		Converted in atmosphere to HFC-23, one of the most potent GWP chemicals
HFO-1234yf		Adopted by transportation/auto industry as a near drop in replacement for HFCs
PVDF		Widely used in the chemical, semiconductor, medical and defense industries, as well as in lithium-ion batteries (battery binder); Vinyl chloride, hydrofluoric acid, and chlorine are required for synthesis - second highest production volume fluoropolymer
tetrafluoroethene		Used to make PTFE
BPAF		Reported to be as toxic, if not more toxic, than BPA, depending on the end point of interest. Detected in metal and paper and board and plastic derived food packaging (see Phelps et al.)
1,1,1,3,3,3-Hexafluoro-2-propanol		Present in food packaging - detected in polyethylene terephthalate (PET) (see Food Packaging Forum fccmigex)

⁷ The Global Threat from the Irreversible Accumulation of Trifluoroacetic Acid (TFA), Hans Peter H. Arp, Andrea Gredelj, Juliane Glüge, Martin Scheringer, and Ian T. Cousins, *Environmental Science & Technology* **2024** 58 (45), 19925-19935, DOI: 10.1021/acs.est.4c06189, <https://pubs.acs.org/doi/10.1021/acs.est.4c06189>

- **Don't repeat the mistakes of the past.** Word-smithing a definition cannot change the fundamental chemical properties of PFAS – or their health effects. Maine's law right now is clear and can't be gamed by manufacturers and others seeking to evade regulation. A similar industry effort to redefine Polychlorinated biphenyls (PCBs) is a cautionary case illustrating the need for clear, science-based definitions. Even though PCB production was banned for most uses by U.S. law on January 1, 1978, in court cases dragging on into the 1990's, Dow Chemical sought to re-define what is a PCB by claiming that their monochlorinated biphenyls weren't actually PCBs, since they weren't "polychlorinated."⁸ Even today, elementary schools and river sediments remain contaminated by this persistent, highly toxic and carcinogenic chemical compound once widely used in the manufacture of carbonless copy paper, as heat transfer fluids, and as dielectric and coolant fluids for electrical equipment.
- **Remember the health impacts of PFAS.** It bears reminding this Committee that the health impacts of PFAS are serious. There is a reason Maine has enacted the legislation it has, and it is wise to err on the side of caution. In its summary of the health impacts of PFAS exposure the Environmental Protection Agency has stated:

"The adverse health effects associated with exposure to such PFAS include (but are not limited to): effects on the liver (*e.g.*, liver cell death), growth and development (*e.g.*, low birth weight), hormone levels, kidney, the immune system (reduced response to vaccines), lipid levels (*e.g.*, high cholesterol), the nervous system, and reproduction, as well as increased risk of certain types of cancer.

Exposure to PFAS may have disproportionate health effects on children. Adverse health effects relevant to children associated with exposure to some PFAS include developmental effects to fetuses during pregnancy or to breast-fed infants, cardiovascular effects, immune effects, endocrine effects, and reproductive effects. Additionally, PFAS are known to be transmitted to the fetus via the placenta and to the newborn, infant, and child via breast milk."⁹

As additional scientific studies are completed, the known scope and seriousness of the harmful health impacts of PFAS continues to expand. For instance, a study by researchers at the Keck School of Medicine at the University of Southern California published in January this year found that in counties where drinking water surpassed recommended maximum levels of PFAS, there was a higher incidence of digestive, endocrine, respiratory, and mouth and throat cancers. Increases in incidence ranged from slightly elevated at 2% to substantially elevated at 33% in the case of increased incidence of mouth and throat cancers linked to the compound perfluorobutanesulfonic acid (PFBS). The study found that males in counties with contaminated drinking water had a higher incidence of leukemia, as well as cancers of the urinary system, brain and soft tissues, compared to males living in areas with uncontaminated water. Females had a higher incidence of cancers in the thyroid, mouth and throat, and soft tissues. Based on the latest available EPA data, the researchers estimate that PFAS contamination of drinking water contributes to 6,864 cancer cases per year.¹⁰

Conclusion - Maine needs to stay the course on PFAS regulation to ensure that these chemicals are ultimately phased out except for truly unavoidable uses, and that decades from now farm families and all Mainers will be free from exposure to these harmful chemicals. **MOFGA is unalterably opposed to LD 1982 and urges this committee to reject this bill and vote "ought not to pass."**

⁸ <https://blog.ucs.org/anita-desikan/epas-new-pfas-definition-will-make-it-harder-to-protect-the-public/>

⁹ <https://www.federalregister.gov/documents/2024/04/26/2024-07773/pfas-national-primary-drinking-water-regulation>

¹⁰ Li, S., Oliva, P., Zhang, L. et al. Associations between per-and polyfluoroalkyl substances (PFAS) and county-level cancer incidence between 2016 and 2021 and incident cancer burden attributable to PFAS in drinking water in the United States. J Expo Sci Environ Epidemiol (2025). <https://doi.org/10.1038/s41370-024-00742-2>, <https://www.nature.com/articles/s41370-024-00742-2>