



Solutions for a
Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Director of Advocacy, Defend Our Health
In SUPPORT of LD 289 "An Act to Require the State to Purchase Farms Contaminated with
Perfluoroalkyl and Polyfluoroalkyl Substances"
Before the Agriculture, Conservation and Forestry Committee
February 13, 2022

Good morning, Senator Ingwersen, Representative Pluecker and members of the Agriculture, Conservation and Forestry Committee. My name is Sarah Woodbury. I am the director of advocacy for Defend Our Health. Defend Our Health works to make sure everyone has equal access to safe food, safe drinking water, healthy homes, and toxic-free, climate-friendly products. I am here to testify in support to LD 289 "An Act to Require the State to Purchase Farms Contaminated with Perfluoroalkyl and Polyfluoroalkyl Substances".

Perfluoroalkyl and polyfluoroalkyl substances, are more commonly known as PFAS. PFAS are called "forever chemicals" meaning they don't break down and remain in our body and in the environment for years. These chemicals are hazardous to human health and have been linked to decreased immune system function and decreased vaccine efficacy. PFAS also increase the risk of some cancers, may lower a woman's chance of getting pregnant, and have been associated with liver problems and increased cholesterol levels. These toxic chemicals can enter the environment and drinking water supply through a variety of sources including firefighting foam, sewer and industrial sludge spread on local farmland, and our food packaging and other products with leak-proof and grease-proof coatings.

There are over 50 farms and hundreds of wells that have been contaminated by PFAS and that number will continue to grow as more farms and wells are tested. Most of us have heard the stories of farms impacted by PFAS contamination and the harm it has brought to their families. They need immediate assistance to help them survive.

Most of this contamination is due to the spreading of municipal and industrial sludge on farmland across the state. A program that the state advocated for and urged farmers to take advantage of as a way to provide inexpensive nutrients for farmland and to save the state and municipalities money on landfilling. While the state is not responsible for the PFAS ending up in the sludge, it did authorize spreading and assure farmers that the material was safe. The state has a responsibility to address those who have fallen victim to the state's policies in their time of need.

We fully recognize the special burden faced by farmers with ruined land and a destroyed livelihood, especially since there is currently no viable solution to removing PFAS from contaminated soil. The state should provide resources to help those impacted by this contamination. While we support this bill, we do have some concerns about how the bill is currently drafted.

Our concerns about the draft include:

- The draft of the legislation states that "purchase price must be the assessed fair market value of the real estate but no less than \$20,000 per acre". We are concerned that the \$20,000 price tag will quickly become untenable for the state. The USDA states that the

value of Maine farmland averages \$2,860 per acre¹. The average nationwide is \$5050. We do believe that farmers should be reimbursed at fair market value without taking the contamination into consideration but, \$20,000 is far above the average price of farmland and will require funding that is not currently available.

- We are hesitant about putting an actual price per acre in statute. We feel that it could cause issues in the future. If there is a dollar amount in statute, it's possible that amount could become outdated, and farmers would end up being reimbursed for far less than the value of the farmland. We would encourage the committee to instead consider amending that to take out the \$20,000. If the committee would like to provide funding above the market value of the farmland it could amend it to read "The purchase price must be the assessed at X percent above fair market value of the real estate", choosing a percentage that makes the most sense to this committee.

Last year the Governor allocated \$60M dollars in the budget to help PFAS impacted farmers with income replacement and farm buybacks along with medical monitoring and research. The bill also set up an advisory committee that is tasked with coming up with a plan to appropriately allocate those funds. That advisory committee is currently in the process of doing that work and reported to this committee just two weeks ago that they anticipate that they will start to distribute those funds this summer. While \$60M is a lot of money, we have no doubt that it is not going to be enough to fund the PFAS crisis that Maine is currently managing. Additional funding to help PFAS impacted farmers will be necessary. However, until the Department of Environmental Protection finishes testing the over 1000 sites where sludge has been spread to determine the scope of contamination, we will not know how many farms are contaminated. And, until PFAS advisory committee puts forward their plan to allocate the \$60M, we will not know how much more may be needed. While more funding will be necessary, we are concerned we will not know how much until that information is available, which will make determining a fiscal note difficult. This is not meant to deter the committee from moving forward on this legislation but rather to make sure the committee is aware of current gaps in information that may be useful in determining the funding needs.

Mainers depend on food from our farmers. We must support the farmers who the state directly harmed through its promotion of the use of contaminated sludge. The funding in this bill will show currently impacted farmers that the state is serious in helping them recover from this catastrophe and reassure those farmers who are afraid to get their land tested that there are resources available and that coming forward will not ruin their lives. We urge the committee to unanimously pass LD 289 with the suggested amendments.

Thank you for your time

¹ United States Department of Agriculture. (2022, August). Land values 2022 summary 08/05/2022 - USDA. Retrieved February 7, 2023, from https://www.nass.usda.gov/Publications/Todays_Reports/reports/land0822.pdf