



**Testimony of Shelley Megquier, Policy & Research Director, Maine Farmland Trust, to the  
131<sup>st</sup> Legislature's Joint Standing Committee on Agriculture, Conservation and Forestry  
February 13, 2023**

Good morning Senator Ingwersen, Representative Pluecker, and members of the Joint Standing Committee on Agriculture, Conservation, and Forestry. My name is Shelley Megquier and I am testifying today on behalf of Maine Farmland Trust (MFT) to provide comments on LD 289 – An Act to Require the State to Purchase Farms Contaminated with Perfluoroalkyl and Polyfluoroalkyl Substances.

MFT is a member-powered statewide organization that works to protect farmland, support farmers, and advance the future of farming. Our main program areas are Farmland Protection, Farmland Access, Stewardship, Farm Business Planning, PFAS Support, Climate Resilience, and Policy and Research.

MFT was proud last year to work alongside partners, the State, and many of the individuals in this room to mobilize hundreds of farmers, community members, and businesses to support both the passage of a state ban on the land application of PFAS-contaminated sewage sludge and compost derived from sludge, and the establishment of a \$60 million state fund to provide farmers impacted by PFAS contamination with critical resources to support health monitoring, income replacement, new business models, relocation services, the buying of contaminated land, and PFAS-related research.

The presence and persistence of PFAS contamination in soil, water, and crops is alarming and concerning, especially for farmers whose health and livelihoods are at risk. The application of PFAS-contaminated sludge or residuals decades ago by farmers who were unaware of the presence and health risks of these chemicals can still impact PFAS levels in the soil and water today – with such high levels of contamination in some cases that agricultural production is simply no longer possible, at least in the near future until research is advanced on remediation methods.

MFT staff have witnessed firsthand the significant impacts farm businesses and families have experienced from the contamination. These impacts include losing the financial value of products that can no longer be sold; making the investments to change farm management practices and adopt new infrastructure; and even having to purchase or lease additional land to use for their farming operations. These farmers have also had their wells contaminated, and live with ongoing concerns about the health effects of the PFAS contamination for themselves and their families. Finally, these farmers worry about the value of their land – their largest investment – and what their options might be if they are no longer able to farm there.

LD 289 asserts that the State be required to offer to purchase the real estate of a commercial farm with land found to be contaminated by PFAS prior to January 1, 2023. MFT fully recognizes the need for impacted farmers to be made whole, which is what this legislation is trying to fast-track, and believes the State has a crucial role to play in that effort. We also appreciate the effort to set a definite timeline for the sake of farmers who, in some cases, have been caught in limbo for years. One of the most important things that can be done in the wake of the PFAS crisis in Maine is to ensure that impacted farmers are able to remain in agriculture, if they choose to and can do so. In some cases of contamination, the State's efforts should include buying farms with PFAS contamination and doing so on an accelerated timeline. Buy-backs will allow impacted farmers to purchase new land, if they choose, and continue their important work contributing to our food system.

However, we also have some reservations about LD 289. Our reservations about the proposed legislation relate to the ongoing work of the PFAS Fund Advisory Committee and a desire to avoid disrupting a careful process that has been set in motion, with opportunity for public input, but that is not yet complete. We appreciate the work that the PFAS Fund Advisory Committee is doing to establish parameters to direct the funding that will be allocated to impacted farmers, including for land purchases. When it comes to buying contaminated land, paying fair market value for contaminated land is important, but we would caution against including a required amount per acre in legislation. The ongoing work of the PFAS Fund Advisory Committee's Land Transfer Subcommittee will provide a critical framework for the purchase of contaminated farmland, including with respect to the purchase price, so that buy outs occur with consistent application of a set of metrics and in ways that promote fairness. We urge the Subcommittee and Committee as a whole to find a way to accelerate planning for buy-backs of the farms with the longest-standing and most severe levels of contamination. These farmers did not have assistance available to them when they discovered contamination on their farms. MFT will continue to advocate for a framework that ultimately makes impacted farmers whole, but the Land Transfer Subcommittee should be given the opportunity to devise the parameters of that framework.

Thank you for the opportunity to testify today to share our comments on LD 289. I'm happy to answer any questions you may have.