



Solutions for a  
Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Vice President of Programs and Policy, Defend Our Health  
In Support of LD 2066, "An Act to Clarify Liability Under the Uncontrolled Hazardous Substance  
Site Law and to Waive a Fee Regarding Voluntary Response Action Plans"  
Before the Joint Committee on the Environment and Natural Resources  
January 4, 2024

Good morning, Senator Brenner, Representative Gramlich, and members of the Environment and Natural Resources Committee. My name is Sarah Woodbury, and I am the Vice President of Programs and Policy for Defend Our Health. Defend's mission is to make sure that everyone has equal access to safe food and drinking water, healthy homes and products that are toxic-free and climate friendly. I am here to testify in support of LD 2066, "An Act to Clarify Liability Under the Uncontrolled Hazardous Substance Site Law and to Waive a Fee Regarding Voluntary Response Action Plans".

I want to focus my testimony on Sec. 3. 38 MRSA §1367-B, sub-§1-C. This section provides exemptions from liability for PFAS contamination if the "contamination of an uncontrolled site with perfluoroalkyl and polyfluoroalkyl substances if the person establishes to the satisfaction of the commissioner that the source of the contamination was primarily caused by department-licensed land application of sludge or sludge-derived products performed by a 3rd party that is not that person's employee or agent".

Maine is currently in the midst of a PFAS contamination crisis. You have all heard the stories of impacted farmers across the state. Recent numbers from DEP and DACF show that over 70 farms in the state are dealing with the impacts of PFAS contamination and that number could grow as the state continues to test farms across the state for contamination. These farmers are dealing with loss of income, health impacts and, in some cases, with the total loss of their farms. Their farms are contaminated through no fault of their own but rather due to a state-run program that encouraged them to utilize sludge on their farms as a fertilizer. They were told by the state that sludge was good for their farms, would provide them with a cheap source of fertilizer, and didn't pose a risk to their farms. This turned out to be not true.

As the state starts to grapple with the cost of contamination and who is responsible for the cost of cleanup, and for remediation of the over 600 contaminated residential wells across the state, we need to make sure that this burden doesn't fall on our farmers. LD 2066 adds language to the state statute that exempts farmers from liability if the source of the contamination is due to the spreading of sludge on their farmland. There is language in there that specifies they will not be exempt if they have "failed to follow applicable requirements of the department license for land application of sludge or sludge-derived products; Has failed to comply with an information request or administrative subpoena issued by the department under this chapter; or has impeded or is impeding, through action or inaction, the performance of a response action,



natural resources restoration or department investigation at the uncontrolled site.” This will prevent those who are not acting in good faith from taking advantage of this exemption but will protect impacted farmers from being held responsible for contamination that is not their fault. Therefore, Defend urges the committee to vote unanimously “ought to pass” on LD 2066

Thank you