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Testimony of Rep. Bill Pluecker regarding
**LD 1960, An Act to Support Farming in Maine by Extending the Deadline for
Manufacturers of Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances to
Report on Those Products**
Before the Joint Standing Committee on Environment and Natural Resources

Sen. Brenner, Rep. Gramlich and the entire committee on Environment and Natural Resources, thank you for the opportunity to speak to you in opposition to **LD 1960 “An Act to Support Farming in Maine by Excluding Certain Agricultural Products from the Law Governing the Presence of Perfluoroalkyl and Polyfluoroalkyl Substances in Products.”**

As you are aware, the Committee on Agriculture, Conservation and Forestry (ACF) has been working on the issue of PFAS in pesticides for years now. Thankfully, we have been able to work closely with the Board of Pesticides Control in the creation of those laws, and the Board has put significant resources into the rulemaking resulting from that legislative work. As you might be aware, after much deliberation and many staff hours, they have instituted a system of affidavits to learn about the use of PFAS in pesticides in the state. The first step in any of this work is to understand the scope and impact of the issue before we can take informed steps towards regulation. For that reason, the laws in Title 7 reflect your own laws in Title 38, which do not prohibit the use of any of these pesticides until 2030, though the Board is empowered to take action before that date if they find it necessary for public health and safety.

As you are fully aware from your deliberation of LD 1537, a measured response to regulation is necessary in any of our work, and I believe that is reflected in your debate around exemptions from PFAS bans and pushing out reporting dates. Those items which have a very complex and multifaceted supply chain in their manufacturing process are the ones for which you are considering pushing out the dates for regulation, and those that are intimately involved in food delivery and production are being regulated and banned in the short term.

From my work in ACF, I do not believe that pesticides fall into the category of unknown and complex supply chains and do fall squarely into the category of being intimately connected to our systems of food production. Each chemical formulation of a pesticide product is known and reported, as needed, either to the federal EPA or to our own BPC, if requested. There are no unknown parts, and years of work are put into knowing exactly what chemicals should be included for their efficacy and which should not. The sponsor’s amendment specifically targets those agricultural pesticides intended for food and crop production, meaning this bill creates a direct route for PFAS into our bodies.

Aside from the effect of continuing to include PFAS in our bodies leading to the various cancers, endocrine disorders and negative health outcomes for the unborn, this bill targets pesticides used in food production for PFAS inclusion while leaving all others under current law. Targeting certain pesticides at one level of regulation and exempting others completely would lead to regulatory uncertainty and confusion. There are many pesticides that are legally registered for multiple uses. This law could mean that pesticides with PFAS in their formulation would be allowed when being applied to food, but not when used as a sanitizer. The manufacturer might need to create new products in order to comply with the new law. The rulemaking process for the Board of Pesticides Control would be complex and ongoing, with ultimate regulation difficult. As you may know, pesticide labels are legal documents, and following their directions are a legal requirement for licensed pesticide applicators. This Maine law could mean that some manufacturers would need to apply to the EPA to make changes to their label to list legal and illegal uses of the same product in Maine. The regulatory difficulties would not be insignificant.

I would argue, as I believe you have done in your deliberation of LD 1537, that the most important category of PFAS use to regulate would be for the products going into our food and bodies. Mainers are relying on the Legislature to ensure that the most severe impacts of PFAS contamination are mitigated by our efforts in the Legislature. If we want to continue to earn public confidence in our response to PFAS contamination, working to keep it out of the public food supply is the number one way to earn their trust.

As farmers, we must have the trust of our consumers. We earn this through relationships, conversations and by abiding by reasonable rules. I can only assume that the average Mainer would lose confidence in Maine produced food if they found that we were now going to stop our efforts to keep PFAS out of our food supply. They can read the reports about the impacts of PFAS on our children's health from the National Institute of Health as well as we can. Keeping PFAS in our food supply will hurt farmers, and our agricultural industry as a whole, as the public turns away from food grown with PFAS pesticides. The right course for anyone invested in Maine's agriculture is to instill confidence in our food and farmers, which is the same work in which the Department of Agriculture, Conservation and Forestry has invested so heavily in in terms of dollars and hours through the years.

Walking away from this work at this point will have repercussions throughout our entire industry. To date, our current laws have not taken any tool or product off the shelves that farmers rely upon. Our work has been slow, methodical and appropriate. A blanket exemption would be the opposite of that approach. It would undo years of investment and work, and harm public health and sentiment, and ultimately our industry. I encourage this committee to continue the hard work we have already begun, stay the course and vote against this bill.

Thank you very much, and I'd be happy to answer any questions.