



**Testimony of the Maine Organic Farmers and Gardeners Association
in Support of LD 130 - *An Act to Establish the PFAS Response Program
and to Modify the Fund to Address PFAS Contamination*
Committee on Agriculture, Conservation & Forestry**

February 6, 2025

Good morning Senator Talbot Ross, Representative Pluecker, and members of the Committee. My name is Heather Spalding and I'm deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). MOFGA appreciates the opportunity to testify in support of LD 130 - *An Act to Establish the PFAS Response Program and to Modify the Fund to Address PFAS Contamination*.

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 certifies 537 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 In This Legislation: 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. MOFGA farmer members and staff were deeply involved in the initial advocacy creating the PFAS Fund, and we submitted comments on PFAS Plan drafts. Caleb Goosen, MOFGA's Crop Production and Conservation Specialist, serves on the Research Subcommittee of the PFAS Fund Advisory Committee.

As an organization, MOFGA has expended significant staff time and financial resources helping farmers deal with the devastating consequences of PFAS contamination, including by fundraising and administering with the Maine Farmland Trust an emergency relief fund as a bridge to the State's efforts to stand up publicly funded assistance.¹ Through this fund, financial assistance has been provided to more than 100 Maine farmers to investigate PFAS contamination risks, and to help farmers and farm workers cope with stress related to contamination.

Unfortunately, adhering to organic practices has provided no guarantee that PFAS contamination won't impact an organic farm business. Indeed, over the past several years (and the investigation continues) organic farms have been found with PFAS contamination, some of them severely affected. Some of these farmers and their family members have been found to have high levels of PFAS in

¹ <https://www.mofga.org/pfas/pfas-emergency-relief-fund/>



their bodies. Some farmers have had to shut down their businesses because contamination from “forever” PFAS is so extensive.

Maine’s PFAS Fund, housed in the Department of Agriculture, Conservation & Forestry (DACF or Department), is a robust response to the challenges facing Maine farmers confronted with PFAS contamination. With its comprehensive focus -- including site investigation and cleanup, scientific research on PFAS impacts on farm products and alternative crops, and addressing business impacts, health testing and monitoring -- it is a national model that has helped contaminated farm businesses pivot management practices so they can stay in business and deliver safe food to Maine people. As the PFAS Fund moves from the planning stages to program implementation, it is important that the Department has the tools it needs to effectively address the extraordinary range of challenges facing affected farms and farmers, and the food and agricultural sector of the State’s economy.

LD 130 would house the PFAS Response Program within the Bureau of Agriculture, Food and Rural Resources as the ongoing response to farm contamination, including establishing and enforcing Maximum Contaminant Levels (MCLs) of PFAS in farm products, and providing on-farm mitigation strategies and financial assistance.

The Department has already established MCLs for milk and beef. LD 130 clarifies that authority and connects the MCLs to the PFAS Response Program’s activities on farms by establishing baseline criteria for agricultural producers to comply with to access continued support. This ensures that there are clear standards in place for the Department’s activities, whether providing technical or financial assistance, visiting a farm to take soil samples or other PFAS investigations, or making determinations that a farm product poses unacceptable risks to those consuming the food.

Not only does this approach protect consumers and provide assurances to the public that Maine’s food system is safe and healthy, but it also establishes clear thresholds for accessing the safety net provided by the State as well as the MOFGA/Maine Farmland Trust emergency relief fund. Lacking these standards, farmers discovering that their farm products are contaminated with PFAS have been left to their own devices, without guidance about whether they should pull those products from the marketplace or how to communicate with customers. LD 130 gives all farmers concrete information on which to base these decisions and ensures a level playing field across Maine. It will also protect farmers who *don’t* pull their products from the marketplace, where they base their decisions on the State standards establishing safe PFAS levels in food. LD 130 includes the opportunity for a hearing at the request of affected agricultural producers, providing due process and an opportunity for the farmer to appeal any decision to deny, cease or modify financial support based on MCLs and other Department criteria.

While Maine remains at the forefront of PFAS response in the Nation, since the discovery of PFAS contamination of Maine farmland 2016, significant scientific and health risk information has been developed by the federal Environmental Protection Agency (EPA) and the federal Centers for Disease Control (federal CDC). Maine’s Center for Disease Control and the State drinking water program have also been researching plant uptake of PFAS and safe food standards, and state and federal drinking water standards for PFAS are being implemented across Maine. These new standards and risk assessments are now available to the Department as it moves ahead with setting food standards here in Maine; there is substantial scientific data now available to inform its actions.

In March 2024, EPA adopted national primary drinking water standards (MCLs) for PFOA, PFOS, PFHxS, PFNA, and HFPO-DA (commonly known as GenX Chemicals), as well as regulating mixtures containing two or more of PFHxS, PFNA, HFPO-DA, and PFBS.² In addition, EPA issued a draft sewage sludge risk assessment in January 2025 finding that forever chemicals in sludge fertilizer pose cancer risk.³ EPA's sludge risk assessment found a significant cancer level of 1 in 1,000 (indicating that lifetime exposure to the carcinogenic pollutant would be expected to cause one additional case of cancer for every one thousand people in the exposed population) -- even under scenarios that it admitted "are not conservative estimates." Those most affected were people living on farms where PFAS-contaminated sludge was spread, and eating food grown on that land – in other words, farmers and their families.⁴

Conclusion: In summary, MOFGA supports LD 130 as an appropriate response in the year 2025 to PFAS contamination on Maine farms that we have been addressing in some form since 2016. It makes sense to transition the DACF PFAS response to an ongoing program in the Bureau of Agriculture, Food and Rural Resources. We wish we could see an end in sight, but the State is still finding new sites contaminated with PFAS, and the need for technical and financial assistance for farmers across Maine remains significant and ongoing. That being the case, assistance should be tied to compliance with food safety and other standards that are based on the best science and the most recent health data, with an opportunity for affected farmers to appeal adverse decisions and understand the basis for any such decision. LD 130 will do just that and MOFGA urges the Committee to unanimously vote "ought to pass."

² <https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas>

³ Forever chemicals in sludge fertilizer pose cancer risk, EPA says, January 14, 2025, Penelope Overton, Portland Press Herald, <https://www.pressherald.com/2025/01/14/forever-chemicals-in-sludge-fertilizer-pose-cancer-risk-epa-says/>

⁴ EPA sewage sludge risk assessment: <https://www.epa.gov/system/files/documents/2025-01/draft-sewage-sludge-risk-assessment-pfoa-pfos.pdf>