

## Testimony in support of LD 2013, An Act Relating to Perfluoroalkyl and Polyfluoroalkyl Substances Contamination in the State

To: Sen. Dill, Rep. O'Neil, and Members of the Joint Standing Committee on Agriculture, Conservation and Forestry.

From: Michelle Henkin, New Harbor

Dear Senator Dill, Representative O'Neil and members of the Agriculture, Conservation and Forestry Committee, my name is **Michelle Henkin** and I live in **New Harbor**. I am writing to testify in support of LD 2013.

I'd like to start with a history of the State of Maine's relationship with the practice of spreading sludge, from an article published in the Bangor Daily News on 2/21/22:

The State program to spread sludge on farmland began in **1983**.

In **1988**, dumping sludge at sea was outlawed because it was creating 'dead zones.'

The question that immediately comes to mind is why wasn't this considered a warning of the dangers of spreading sludge on farmland?

In the early **1990s**, following heavy lobbying by sludge-selling companies and wastewater treatment facilities, the EPA relaxed safety standards, allowing sludge with higher levels of metals to be spread.

In **1995**, a law was passed in Maine allowing cities and towns to set stricter standards for sludge-spreading than the state and federal regulations.

In **1999**, however, Maine followed the EPA and relaxed the safety standards. In 1999, the State may not have known the dangers of PFAS or known that sludge contained PFAS, but it was well aware of the presence, in sludge, of toxic heavy metals.

In **2011**, Maine passed a budget that prohibited communities from enacting tougher standards on sludge-spreading.

In **2017**, PFAS was found in the water supply in Kennebunk, Kennebunkport, and Wells, and then in a farm in Arundel. A **2020** report from a state task force began to lay out the extent of the risk of PFAS contamination to our water and farms. Since then, more and more tragic findings have emerged. Deer have been found to be contaminated, farms are pulling their products from shelves, and more and more people are discovering that their water supplies are contaminated. The costs to the state to test and remediate are estimated to be upwards of \$20 million a year and mounting.

From this history, it is clear that even if the State did not know, in the 80's and possibly the 90's that the sludge contained 'forever chemicals', the State did know that toxins were present in sludge - that's why there are standards for maximum contaminant levels. They knew that dumping sludge in the sea created dead zones, and yet they chose to continue the practice of spreading the sludge on farm fields. They also knew that the standards they adopted in 1999 were weaker than the original standards, and in 2011, the State prohibited towns and cities from protecting their residents with stricter standards. In 2017, they knew that PFAS was contaminating water supplies and farmland, and still they continued the program of spreading sludge.

This is a tragedy that could have been mitigated, if not avoided, if the state had paid attention to the growing scientific evidence, instead of to the pressure from industry and their desire to save money.

Because the State of Maine issued the licenses for the sludge to be spread, and because it encouraged farmers to take advantage of the “free fertilizer”, it is the State’s responsibility to help those it has hurt with what was either carelessness or willful ignorance. Farmers stand to lose their livelihoods, and their health and the health of their families has been impacted on a devastating scale.

LD2013 cannot remove the PFAS contamination from the soil or the water or the bodies of those that have lived unknowingly on the land that was abused by the State, but it can help farmers survive this assault on everything they hold dear - their farms which they have poured their heart and soul into, some for decades, their health and the health of their families, and the rhythm of their lives which they have cultivated with the same dedication as the land they stewarded so carefully, not knowing that all the while it was poisoning them.

Pass LD2013 and provide income replacement and mortgage payments to farms that have been robbed, through the actions of the State, of their ability to make a living; provide lifetime health monitoring to address the impacts of the contamination caused by the State’s actions; make investments in new infrastructure, support for new business models, and farm management practices for those farms that can adapt their farming practices; provide relocation services and farm buyouts in cases where the farms are no longer farmable or fit to be sold; and conduct research on soil and water remediation methods so that the land and water can be returned to what it was before the state of Maine created this tragedy.

Thank you for reading my testimony.