



Maine Farm Bureau Association

Testimony Neither For Nor Against LD 2013 An Act Relating to Perfluoroalkyl and Polyfluoroalkyl Substances Contamination in the State

Senator Dill, Representative O’Neil, and honorable members of the Joint Standing Committee on Agriculture, Conservation, and Forestry:

My name is Julie Ann Smith and I am the Executive Director of Maine Farm Bureau. I grew up on a dairy farm in Monmouth and have continued to work in agriculture throughout my life. The success of farming in Maine is an issue close to me personally and I am grateful to have the opportunity today to speak on behalf of the members of the Maine Farm Bureau Association, testifying neither for nor against LD 2013 An Act Relating to Perfluoroalkyl and Polyfluoroalkyl Substances Contamination in the State.

Maine Farm Bureau is the state’s largest grassroots farm advocacy organization. Our membership is comprised of every type of agriculture commodity and production philosophy. We have served as the voice of all agriculture in Maine for the past 70 years and our grassroots policy development process ensures that we speak for the majority of farmers in Maine.

While we applaud the intention of this bill, the lack of clarity and direction gives us pause.

First and foremost, we believe \$100 million dollars is inadequate to address the immediate and devastating impact to farmers that have been identified as potentially contaminated on the map published by the Department of Environmental Protection¹. This map has caused both financial and emotional devastation to farmers throughout the state. Farmers have lost contracts, CSA shares, been forced to dump their milk and pull products from store shelves simply from having been identified on the map, regardless of whether sludge was spread. There are farmers who spend sleepless nights worrying about the impact the sludge they spread on their fields, the sludge that the Department of

¹ [EGAD Septage and Sludge Sites \(arcgis.com\)](http://EGAD.SeptageandSludgeSites(arcgis.com))

Environmental Protection certified was safe and pressured farmers to spread as part of their “civic duty”, will have on the future of their farm, their health, their family’s health and their neighbors’ health.

\$100 Million would only provide approximately \$142,000 to each of the 700 properties identified on the map. It is nowhere near enough.

The funds in this bill should go solely to help farmers until a safe level of PFAS is federally established.

We recommend the following amendments:

A. ~~Monitoring~~ *The healthcare (including mental healthcare) of a person, and members of that person's household, whose agricultural land is found to be contaminated by PFAS be fully paid for by this fund;*

B. *Relocating a person whose agricultural land is found to be contaminated by PFAS to a property of equal or greater value;*

C. *Buying and selling agricultural land found to be contaminated by PFAS at no cost to the landowner;*

D. *Investing in equipment, facilities, and infrastructure to ensure that an agricultural enterprise with land found to be contaminated by PFAS maintains equivalent or greater market profitability while the agricultural enterprise transitions to a new cropping system;*

E. ~~Assisting~~ *Funding an agricultural enterprise with land found to be contaminated by PFAS with developing the development of an enterprise budget for alternative cropping systems or transitioning to alternative agricultural enterprise revenue streams, including but not limited to land use systems combining agricultural use of the land with solar energy production;*

F. ~~Providing short-term~~ *non-lapsing assistance to a person whose agricultural land is found to be contaminated by PFAS, including but not limited to income replacement exceeding the state minimum salary requirements by a minimum of 10% but no less than the highest income year during the ownership of the farm and all mortgage payments, equipment loans, and other business costs and expenses; and*

G. The receipt of these funds by any landowner does not preclude the landowner from receiving funds from other sources, participating in a future lawsuit or receiving additional funds in the future if the fund is replenished;

Research, mitigation, and other funding need to be addressed in a separate bill so that farmers are not competing with other interests. We request striking all language referring to non-farmer compensation and funding, including:

G. Conducting research that informs the development of infrastructure to increase PFAS testing capacity statewide, such as establishing state testing laboratories, and data management;

H. Conducting research that supports short-term farm management decisions and assesses future options for viable uses of agricultural land;

I. Conducting research that quantifies the impact of PFAS on the State's agricultural enterprises and agricultural communities;

J. Conducting research on soil and water remediation systems and the viability of those systems;

K. Assessing current uses of PFAS;

L. Funding for educational programs for landowners, including but not limited to determining best practices for informing residents about the potential of being near or on a biosolids application site, and providing information and guidance on buying or selling agricultural lands that have had biosolids applied; and

M. Long-term monitoring of contaminated sites and establishing a corresponding centralized data repository.

Furthermore, we are deeply troubled by the suggested membership of the advisory committee. Every farm in Maine has been negatively impacted by the actions of the Department of Environmental Protection and the Department of Agriculture, Conservation, and Forestry. By choosing to test potentially contaminated land without conclusive evidence of human health impacts, without taking the time to establish, through scientific testing, an acceptable level

for soil or water, and without any plan in place to deal with the test results, the Departments have created a crisis they are now asking taxpayers to clean up, in the manner the Departments determine is best.

The government has misled our farmers too many times. The Department of Environmental Protection certified to farmers, via letter during the permitting process, that landspreading of biosolids was safe. Now the Department of Environmental Protection has decided, based on suspicion, not conclusive medical nor scientific study, that biosolids are hazardous and dangerous. The farmers have become the face of contamination in the media, while the Department of Environmental Protection fails to publicly acknowledge its actions and responsibility for permitting the spreading of sludge.

The government that has misled farmers is now asking for an enormous pool of tax dollars to possibly provide a modest amount of financial support to a group that they will select. We do not believe the Department of Environmental Protection nor the Department of Agriculture, Conservation and Forestry are suited to make the best decisions on behalf of the impacted farms.

We believe impacted farmers would be best served by other farmers who truly understand the agricultural industry, commodity, and business practices. We ask that the advisory committee consist of (and be limited to) an active farmer selected from each of the agricultural stakeholder groups, including:

1. Maine Farm Bureau;
2. Agricultural Council of Maine
3. Maine Potato Board
4. Wild Blueberry Commission of Maine
5. Maine State Pomological Society
6. Maine Vegetable and Small Fruit Growers Association
7. Maine Dairy Industry Association:
8. Maine Landscape and Nursery Association
9. Maine Christmas Tree Growers
10. Maine State Florists and Growers Association
11. Maine Organic Farmers and Gardeners Association
12. Maine Aquaculture Association
13. Maine Association of Conservation Districts

14. Maine Farmland Trust
15. Maine Maple Producers
16. Maine Organic Milk Producers
17. Maine Sheep Breeders Association
18. Maine Beef Producers Association
19. Ornamental Horticulture Council
20. Farm Credit East
21. University of Maine Cooperative Extension

I ask for your support of agriculture in Maine by amending LD 2013 and ensure that farmers are supported first. I would be happy to answer any questions.