



# *Maine Organic Farmers and Gardeners Association*

## *Common Ground Country Fair*

April 5, 2021

Good morning Senator Brenner, Representative Tucker and members of the Joint Standing Committee on Environment and Natural Resources. My name is Heather Spalding and I'm deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). I am submitting comments in support of LD 960 - *An Act To Require Reporting of Perfluoroalkyl and Polyfluoroalkyl Substances, PFAS, in Products and of Discharges of Firefighting Foam Containing PFAS*. This bill requires manufacturers of products with intentionally added perfluoroalkyl and polyfluoroalkyl substances to report the presence of those substances in those products to the Department of Environmental Protection beginning in 2023. This bill also requires any person who causes a discharge of aqueous film-forming foam into waters of the State to report that discharge to the department within 24 hours.

PFAS are manmade chemicals developed by Dupont and other chemical industry giants, and used in industrial processing and household goods since the 1950s. Often referred to as "forever chemicals" due to their persistence in the environment, PFAS is designated by the International Agency for Research on Cancer as a possible carcinogen based on epidemiological evidence linking exposure to kidney and testicular cancer. Other health risks include problems with neurological development, lowered fertility in men and women, liver disorders, endocrine system disruption, birth defects, testicular and prostate cancer.

A senior official at the Centers for Disease Control said that PFAS presents "one of the most seminal public health challenges for the next decades." In March this year, 67 of the nation's leading PFAS science experts submitted a letter to EPA Administrator Michael Regan calling on him to institute a class-based ban on all PFAS except essential uses. We commend Governor Mills for convening the PFAS task force, as well as the Department of Agriculture, Conservation and Forestry and the Department of Environmental Protection for proactive efforts to assess the scope of the contamination in Maine and to advocate for coordinated action at the federal level as well. We also appreciate that Senator Susan Collins and Congresswoman Chellie Pingree are urging Environmental Protection Agency Administrator Michael Regan to take decisive action to address the ongoing health risks of PFAS. All of this action is essential and it all should lead to the logical conclusion - immediately turn off the PFAS taps and require manufacturers to pay for the mess that they secretly yet intentionally created.

MOFGA members - farmers, gardeners, homesteaders, eaters alike - are concerned about the widespread PFAS contamination of land and water in Maine, as well as the PFAS body burden that we all carry. We appreciate that many committees in this Legislature are considering bills to address the health, environmental, legal and economic problems associated with this class of chemicals. Already this session, we have supported four bills that seek to address the serious problems of PFAS. Our most recent testimony on PFAS was presented last Thursday when the Agriculture, Conservation and Forestry Committee considered LD 264, which would require Maine's Board of Pesticides Control to ban aerial spraying of pesticides until it can assure the public that PFAS isn't present in pesticides. As you may know, the state of Massachusetts was dispersing PFAS over its southeastern counties in aerial pesticide spraying efforts to control mosquito-borne Eastern Equine Encephalitis. The pesticide containing PFAS was Anvil, manufactured by the St. Charles, Illinois-based company Clarke. Clarke denies having intentionally added PFAS to its Anvil formulation and claims that the product could have been contaminated through the manufacturing or storage process.

We hear over and over again that the Environmental Protection Agency and the pesticide industry do everything they can to protect human health and the environment from the dangers of pesticides and other industrial chemicals, insisting that pesticides are thoroughly studied and tested for safety before being brought to market. Well, I think we can all agree that this particular PFAS challenge clearly debunks that myth. It took citizen science to bring the aerial spraying of PFAS to public attention. Testing last fall conducted by Public Employees for Environmental Responsibility indicated that Massachusetts-regulated PFAS levels in Anvil were 22 times the limit for drinking water, and that other non-regulated PFAS compounds were present in greater amounts. A search of Clarke's website turns up no information about PFAS. EPA just last month released a report showing that the likely source of the Anvil PFAS contamination was from the flourinated HDPE containers. EPA is asking states with existing stock of the mosquito product distributed in fluorinated HDPE containers to discontinue use and hold the inventory until its final disposition is determined, and is encouraging the pesticide industry to explore alternative packaging options such as steel drums or non-fluorinated HDPE.

MOFGA has members in thousands of homes across the state – in rural, suburban and urban areas. Healthy soil, water and air are top priorities for our members. All of our members are vulnerable to the impact of PFAS, and we're growing more concerned about the specific threat of PFAS-contaminated drinking water and groundwater. PFAS threatens the health of Maine people as well as Maine's rural economy. As Maine works to gather information about the extent of PFAS contamination, it is essential to turn off the tap, protect the health of Maine citizens, and hold the manufacturers of these toxic forever chemicals accountable for ever allowing the materials to come to market.

Each day we learn more about the consequences of Dupont's and other chemical giants' PFAS legacy. While industry knew the dangers that its forever chemicals posed to human and environmental health, it exposed all of us, and future generations, to these hazardous chemicals. More recently, and understandably, there has been increasing concern about the impact that PFAS chemicals have on the efficacy of vaccinations.

Maine sits at the forefront of this unfolding story as contamination of our land and water comes to light. A major source of the contamination is the spreading of sewage sludge on farmland. Farmers were unaware of PFAS contamination when they started spreading the sludge. The USDA's National Organic Program prohibits the practice of sewage sludge spreading, but our farmers are nonetheless concerned about the health of all farmers and farmland, and about possible legacy effects on all land. Unfortunately, Maine continues to allow PFAS-contaminated sludge to be spread on conventional farm fields as fertilizer if the field is tested before spreading and found not to have elevated levels of PFAS. This needs to stop as soon as possible to prevent further contamination of Maine's precious farmland.

Maine dairy farms are the nexus of our state's agricultural economy and communities and it is imperative that we do everything we can to help these farm businesses succeed. Protecting the health of Maine's dairies and all farmland must be a top priority for our state's leadership.

MOFGA's Farmer Programs and Organic Certification staff members are fielding many calls from concerned members (farmers, gardeners and consumers) who worry that that they may become victims of the PFAS legacy – whether by proximity to land treated long ago with contaminated sludge, wellwater contamination, or day to day exposure through consumer products including food. We're working hard to keep up and provide helpful information but it's a huge challenge. We have created a resource page on our website geared toward farmers but useful for everyone.

<https://www.mofga.org/resources/toxics/pfas-maine-farmer-information/>

Information is power but there is so much uncertainty about the extent of contamination and the lasting adverse effects that PFAS will have on our human and ecological health as well as the health of

Maine's rural economy. We need coordinated action at the federal level and we need immediate financial relief and legal support for Maine citizens whose property is contaminated.

MOFGA also is collaborating with Maine Farmland Trust in cooperation with the Maine Department of Agriculture, Conservation and Forestry (DACF), to host the Maine PFAS Emergency Relief Fund. This fund provides funding for farmers to cover PFAS testing. Currently, farms with food deemed adulterated by PFAS are eligible for the relief fund by referral from DACF and the funding is limited to covering monthly milk tests that allow farmers to access the USDA's Dairy Indemnification Payment Program (DIPP), which compensates farmers for the value of the milk that they would otherwise sell commercially but for contamination.

Thank you for your consideration of this important bill. We urge your support for LD 960.

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### About MOFGA

*The Maine Organic Farmers and Gardeners Association (MOFGA) started in 1971 and is the oldest and largest state organic organization in the country. We're a broad-based community that educates about and advocates for organic agriculture, illuminating its interdependence with a healthy environment, local food production, and thriving communities. We have a staff of just under 50 employees, a membership of more than 10,000, and an amazing community of about 2500 volunteers, many of whom we rely on to host our annual Common Ground Country Fair.*

*Since our beginning we have advocated for policies that reduce all farmers' and homeowners' reliance on pesticides, and all citizens' exposures to pesticides in their diets and in the air and drinking water. We believe that the dramatic increases since the 1950s in childhood and adult cancer rates, as well as immune system and reproductive abnormalities, are directly related to the toxins that increasingly contaminate our environment and threaten the very existence of the pollinators on which our food systems rely.*

*MOFGA is a statewide organization that has experienced significant growth over the past couple of decades. By the year 2030, we aim to increase the number of certified organic growers from 550 to 750 and the amount of organically managed land from 7% to 10% of the state's agricultural land. We offer an introductory farm apprenticeship program, beginning farmer training through our two-year Journey person program, and a Farm Resilience Program for farmers in years 5-10 of their business when they're statistically the most likely to experience business failure. MOFGA Certification Services (MCS) is our USDA accredited organic certification program. MCS also administers MOFGA's Certified Clean Cannabis program for medicinal and adult cannabis use in Maine. MCS certifies more than 70,000 acres of farmland in Maine, representing more than \$60 million in organic farm product sales. MOFGA-certified operations are run by Maine businesspeople for whom economic health and environmental health are interdependent. While we envision 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. We are members of the Agricultural Council of Maine and, while we don't always agree on all policy measures, we recognize and wholeheartedly agree that farmers must be financially successful if we expect to have a healthy Maine agriculture.*

*MOFGA looks forward to a day when highly toxic will not be regulated because they will cease to exist in agriculture, land management and building contexts. There are organic, mechanical, and biologic alternatives to most of the practices offered by industrial agribusiness.*