



# Maine Dairy Industry Association

*Neither For, Nor Against*

## **LD 1503 An Act to Stop Perflouroalkyl and Polyflouroalkyl Substances Pollution**

March 4, 2021

Senator Brenner, Representative Tucker, and members of the Joint Standing Committee on Environment & Natural Resources:

I am Julie-Marie Bickford, Executive Director of the Maine Dairy Industry Association – the trade group that represents all of the Maine cow dairy farms who are shipping milk for drinking or food production. Most of our farm families also grow the hay, corn, alfalfa, and other cover crops that are used to feed their animals on the over 700,000 acres of fields and forests directly under their stewardship. In addition, many other farms focus solely on producing feed for cattle and other ruminants, raise beef cattle or dairy beef (which is a way of referring to male cattle, since only female cows can give milk), or breed and raise replacement dairy cows.

Our Maine families who run the farms also live on them and earn their living from the farm. Their daily mission is to produce safe food to feed their neighbors. The category of chemicals known collectively as PFAS was not created by farmers, and the resulting contamination that has been discovered in Maine is neither the fault of Maine dairy farmers, nor of Maine agriculture in general. As you make decision on numerous proposals that have been brought forward to as a result of the appearance of the PFAS chemicals on Maine lands and in Maine waters, we ask that you maintain an awareness of the impacts of both preventative and remediation efforts on the existing lives and livelihoods of those who interact in a stewardship role with Maine's natural resources every day.

The unfortunate appearance of PFAS chemicals - and thus the need for remediation – has presented an opportunity to further discuss how to prevent future contamination from these types of chemicals going forward.

- Since the identification of these chemical contaminants, the State of Maine has learned a great deal about their impact on soil, water, plants, animals, and humans. This science continues to evolve as new analysis and discoveries about the characteristics of PFAS as they appear in different environments. MDIA supports making deliberative and well-researched policy decisions about PFAS by using the best available scientific data.
- The extensive use of these chemicals in a vast array of products throughout the years presents a significant challenge in both identifying products that contain a variant of these fluoroalkyl chains. The host of products that may be impacted means that removal of PFAS from the day-to-day routine in homes and businesses could be extensive. While it is a laudable goal of limiting exposure to these “forever chemicals”, we must also be mindful of how their eventual removal from daily life could be significantly altered. We should phase them out of use methodically and with safer alternatives or methodologies identified for use in their place.

The ubiquitous nature of these chemicals by the extensive ways they have been used results in a broad spectrum of products means that the economic impact of removing PFAS from future products could have significant impacts on the economy, especially Maine's small business community. While we do not think

that this should be a reason not to take action, we do applaud the language in LD 1503 for allowing specific exceptions, and for the ability of the DEP to use some discretion in phasing out the use of these chemicals in products by prioritizing those most likely to impact the State's soils and waters first. This will help manufacturers, retailers, and consumers to gradually adjust to PFAS-alternatives or the absence of certain products that contain PFAS chemicals. The use of the rulemaking process to achieve this goal is appropriate and classifying the rules as "Routine Technical" is appropriate to reflect the scientifically-informed nature of the type of discussion required for decision making.

- In the development of the PFAS source reduction program, LD 1503 urges the DEP to work with relevant stakeholders. This is important to be able to determine the best ways to conduct the phase-out, identify alternatives, and assess economic impact.  
However LD 1503 does not give any guidance on who would qualify as a stakeholder, nor does it give any indication of what would constitute "consultation". These are important distinctions that could have dramatic impacts on the process. For example, a bill under review in another Committee this year looked at eliminating PFAS in agricultural products, such as herbicides, fungicides and pesticides, but research and discussion with the makers of such products, as well as the applicators and end-users, demonstrated that PFAS was not a component in those products, but was actually from the container used to store them that was leaching PFAS into the contents. That would not have been found without a well-rounded discussion with the people most familiar with the products.  
LD 1503 could be improved by creating some parameters for who and what is required for and informed consultation. That way, the use of a product and whether or not it could cause extended harm to living beings or our environment could get a more accurate assessment.
- Based on the expansion of responsibilities that accompany passage of LD 1503, it is reasonable to anticipate that there will be a fiscal note to this bill. The development of a response to PFAS contamination as a significant issue impacting the health and safety of Maine's natural world should be funded. Hopefully the efforts of Governor Mills and our congressional delegation will be successful in identifying and leveraging federal dollars to assist with this task. With the limited state resources available in the interim, the priority should be on remediation and assistance to the people & small businesses (including farms) that have been identified as being impacted by PFAS contamination.

As stewards of land and water resources, and as producers of food for our families, neighbors, and those beyond, Maine's dairy farmers are committed to ensuring that our soil, water and air be in a condition to allow future generations the same or greater opportunities to do the same.

Thank you for your consideration of the items presented in this testimony.

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Maine Dairy Industry Association