



PUBLIC HEARING TESTIMONY
IN SUPPORT OF LD 1532

May 3, 2021

An Act to Protect Maine's Air Quality by Strengthening Requirements for Air Emissions Licensing

JOINT STANDING COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

TESTIMONY Submitted by John Fitzpatrick, PE, Senior Director, Facilities Services, the Jackson Laboratory

Senator Brenner, Representative Tucker, and members of the Committee on Environment and Natural Resources, my name is John Fitzpatrick and I am the Senior Director of Facilities at The Jackson Laboratory. I am joining today's hearing to speak in opposition to LD 1532, a measure that has the potential to impact the viability of industry, healthcare providers, research laboratories and other large employers across the entire state of Maine.

The Jackson Laboratory (JAX) is an independent, 501(c) 3, nonprofit biomedical research institution, with nearly 1,500 Maine employees at campuses in Bar Harbor and Ellsworth. Founded in Bar Harbor in 1929, JAX applies its nine decades of expertise in genetics to increase understanding of disease, advancing discoveries that lead to improved diagnostics, treatments and cures for cancer, Alzheimer's, immune disorders, diabetes, aging, heart disease, and many other diseases and conditions.

In addition to the genetic research taking place on our own campus, JAX also promotes scientific discovery through the provision of mouse models of human disease to the global scientific and medical communities. JAX[®] Mice are the highest quality and most-published mouse models in the world and JAX facilities in Bar Harbor and Ellsworth set the industry standard for research animal production. Over 1,900 organizations in more than 75 countries rely on greater than 12,000 strains of genetically specialized JAX[®] Mice - including 12 newly developed COVID-19 models being used by pharmaceutical and biotech companies in 39 states and 24 different countries.

It is worth noting that the construction of JAX's Ellsworth facility was funded with more than \$14 million in competitively awarded grants from the Maine Technology Institute, nearly \$2 million in competitively awarded grant funds from the U.S. Economic Development Administration and \$163 million from JAX.

If LD 1532 is passed as proposed, the changes to air emissions licensing included in it will prevent or seriously impede the continued mission-critical operations of JAX's production facilities. JAX currently holds 10 air licenses necessary to support our Bar Harbor campus and four supporting our \$240 million Charles E. Hewett Center in Ellsworth. These licenses cover the operation of critical infrastructure including steam boilers, emergency generators, incinerators and sterilizers.

Located in a Class I area, adjacent to Acadia National Park, JAX's Bar Harbor licensed equipment is already held to rigorous air emissions standards along with continuous monitoring and reporting protocols. Both original air modeling and ongoing emissions monitoring for both campuses, conducted as part of existing licensing procedures, confirm that JAX emissions consistently fall within acceptable standards. The changes proposed in LD 1532 would do nothing to alter JAX's current air emission profile. Rather, LD 1532 seeks to amend the application and hearing processes, shorten the licensure terms and eliminate emissions sources within 1,000 feet of residences; these changes would have a paralyzing impact on JAX and many other large employers in Maine.

Specifically, LD 1532 proposes preventing the issuance of air emissions licenses to any institution whose source of emissions is "located in an area zoned for residential use or within 1,000 feet of a residence." This provision would effectively give cause for the Department of Environmental Protection not to review several of the emissions licenses on our Bar Harbor campus and all four of the licenses supporting our Ellsworth facility.

Being denied the ability to operate steam boilers emergency power generators and sterilizers would terminate JAX's ability to raise research mouse models in the state of Maine and would severely impact biomedical research worldwide. Inhibiting these core operations would threaten hundreds of full-time, year-round jobs in Maine, and it would eliminate our need to move forward with current plans to invest an additional \$80M in the Ellsworth facility, where we expect to add an additional 250 jobs.

Further proposed changes to the application requirements under LD 1532 would require institutions to "conduct continuous monitoring along the property boundary where the source of emissions is located." Facilities licensed to emit are already required to perform opacity testing, real-time stack emissions monitoring, and the maintenance of detailed operational and fuel consumption logs on a regular basis. For 92 years, JAX's Bar Harbor campus has coexisted harmoniously with town residents and Acadia National Park, and for the past nine years JAX has done the same in Ellsworth.

None of the proposed amendments contained in LD 1532 will strengthen air quality requirements for Air Emission Licenses, and the proposal will not reduce levels of particulate matter, sulfur dioxide, nitrogen oxides, carbon monoxide, volatile organic compounds or hazardous air pollutants. The proposal will not change the quality of Maine air. Instead, it will introduce unnecessary, ineffective, and costly constraints and regulatory uncertainty into the licensing process.

The Jackson Laboratory is committed to complying with all federal, state and local air emissions regulations. And LD 1532 will not change that, but it will threaten our ability to advance the JAX mission in the state of Maine. It will also threaten the existence of our local community hospitals, and it will threaten the operation of our institutions of higher education. Equally important, LD 1532 will deter new businesses from locating in Maine and it will force existing businesses to depart the state in search of consistent and reasonable regulation.

We therefore encourage the members of the Committee on Environment and Natural Resources, to advance a unanimous "ought not to pass" report on LD 1532. Thank you for the opportunity to speak in opposition to LD 1532. I would be happy to respond to any questions and can be reached by telephone at 207-288-5138 or by email at john.fitzpatrick@jax.org.