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President of the Senate

THE MAINE SENATE
131st Legislature

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Testimony in Support of LD 1960

An Act to Support Farming in Maine by Extending the Deadline for Manufacturers of Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) to Report on Those Products

Presented to the Joint Standing Committee on Environment and Natural Resources

March 18, 2024

Senator Brenner, Representative Gramlich and esteemed members of the Joint Standing Committee on Environment and Natural Resources, my name is Troy Jackson. I have the honor of serving as President of the Maine Senate and proudly represent the good people of Aroostook County. I am here today to present LD 1960, "*An Act to Support Farming in Maine by Extending the Deadline for Manufacturers of Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) to Report on Those Products.*" This bill should be considered as an amendment to LD 1537. The proposed amendment was sent to interested parties last week.

The intent behind this bill is to give Maine agricultural producers an even playing field as they compete with other food producers throughout the country. For example, there are numerous potato producing states in the U.S. These other states do not have the same restrictions that prohibit the sale of products used to fight fungus or blight. The act of limiting goods used for crop protection and production will raise costs for farmers. It will also force them to use less effective products. This in turn will likely raise the cost for all of us at the grocery store.

Furthermore, farming is a highly regulated industry. As stated in the bill, products used in agricultural settings are monitored by the U.S. Food and Drug Administration, the U.S. Department of Agriculture, and the United States Environmental Protection Agency's Federal Insecticide, Fungicide, and Rodenticide Act. Additionally, growers have to report pesticide applications annually to the Maine Board of Pesticide Control and follow the UMaine Integrated Pest Management Program.

I understand the intent behind the requirement for manufacturers to register with the Maine DEP and the prohibition of the sale of products containing PFAS. However, in other legislation,

we are using this very same exemption for veterinary products. In fact, I think it would be fair to include this exemption in the more expansive PFAS bill to show that the Legislature is trying to be responsive to legitimate concerns. This requirement would also be duplicative in Maine's agricultural settings because these products are already monitored and regulated by the federal government.

Thank you for your time and consideration this morning. I'd be happy to answer questions as best I can.

****LD 1960 – SPONSOR’S PROPOSED AMENDMENT****

Committee: ENR
Drafter: DCT
File name:
LR (item)#:
New Title?: YES
Add Emergency?: NO
Date: 3/14/2024

LD 1960
Proposed amendment, President Jackson

New title: “An Act to Support Farming in Maine by Excluding Certain Agricultural Products from the Law Governing the Presence of Perfluoroalkyl and Polyfluoroalkyl Substances in Products”

Amend the bill by striking everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 38 MRSA §1614, sub-§4 is amended to read:

4. Exemptions. The following are exempt from this section:

A. A product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority

B. A package, as defined in Title 32, section 1732, subsection 4, for a product, except when the package is the product of the manufacturer; ~~and~~

C. A used product or used product component; and

D. An agricultural product that is intended for use in crop production or crop protection, that is used in an agricultural setting and where application of the product is regulated by or under the jurisdiction of:

(1) The United States Food and Drug Administration;

(2) The United States Department of Agriculture; or

(3) The United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act.

SUMMARY

This amendment replaces the bill, which is a concept draft. It amends the law governing the presence of perfluoroalkyl and polyfluoroalkyl substances in products to exempt from the requirements of that law an agricultural product that is intended for use in crop production or

****LD 1960 – SPONSOR’S PROPOSED AMENDMENT****

crop protection, that is used in an agricultural setting and where application of the product is regulated by or under the jurisdiction of the United States Food and Drug Administration, the United States Department of Agriculture or the United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act.