Testimony of Sharon S. Tisher
before the Environment and Natural Resources Committee
in Opposition to L.D. 1960
March 18, 2024

To members of the Committee:

I am the author of a longstanding and popular feature of the MOFGA website, the Pesticides Quiz and Primer. I entreat you to vote against LD 1960. I would dread having to revise the entry in the 2023 edition of the quiz celebrating Maine's leadership in keeping PFAS out of pesticides spread on Maine's soils, forests, and crops. For your convenience I paste below the relevant entry, and the link to the entire quiz. Thank you for your service and your careful consideration of this matter.

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From A Pesticides Quiz and Primer, 2023 Edition

https://www.mofga.org/mofga-pesticides-quiz/

15. Pesticides contribute to the contamination of our soils and water with "forever chemicals."

True. PFAS — "per- and poly-fluoroalkyl substances" — are any of a family of more than 9,000 synthetic chemicals widely deployed since the 1950s in a multitude of industrial and consumer products. They are extremely stable and hard to break down in the environment, and hence known as "forever chemicals." And they are highly toxic. Beyond Pesticides reports that "PFAS is present in the bloodstreams of 97% of the U.S. population. Exposure to these compounds has been linked to a variety of human health anomalies, including cancers, kidney dysfunction, neurodevelopmental compromise in children, immunosuppression, pre-eclampsia, increased risk of cardiometabolic diseases (via exposure during pregnancy), and respiratory system damage." https://beyondpesticides.org/dailynewsblog/2022/04/maine-moves-to-ban-pesticides-and-fertilizers-contaminated-with-pfas/ PFAS have been identified as contaminants in soil and water in Maine and across the nation. Using municipal and industrial sludge as fertilizer is a major source of this contamination, but use of synthetic pesticides is likely a significant source as well.

On October 21, 2022, Pamela J. Bryer, Ph.D., the Pesticides Toxicologist for the Maine Board of Pesticides Control reported to the Board that the federal pesticide product registry database (NSPIRS) identified 69 active ingredients contained in a total of 1,493 registered pesticide products that are likely to contain PFAS. Additionally, pesticide products that do not contain PFAS by intentional addition are likely contaminated by PFAS in the containers in which they

are stored and sold. Approximately 20 to 30% of the plastic containers used for pesticides are fluorinated. An EPA study concluded that oil-based and water-based fluids are both likely to contain PFAS following storage in fluorinated plastic containers.

A report of a study released in May, 2023 by the Center for Biological Diversity and Public Employees for Environmental Responsibility revealed that California's most-used insecticide, Intrepid 2F, along with two other pesticides, Malathion 5EC and Oberon 2SC, were contaminated with potentially dangerous levels of PFAS. Center for Biological Diversity, "High Levels of Dangerous 'Forever Chemicals' Found in California's Most-Used Insecticide 40% of Tested Agricultural Pesticide Products Contain PFAS," May 2, 2023, https://biologicaldiversity.org/w/news/press-releases/high-levels-of-dangerous-forever-chemicals-found-in-californias-most-used-insecticide-2023-05-02/, https://www.biologicaldiversity.org/campaigns/pesticides_reduction/pdfs/J113812-1-UDS-Level-2-Report-Final-Report.pdf; Matthew Rozsa, "How did nonstick "forever chemicals" get into our food? Blame pesticides," *Salon*, May 16, 2023, https://www.salon.com/2023/05/16/how-did-nonstick-forever-chemicals-get-into-our-food-pesticides/

Help is on the way, but it may be a long and winding road. In 2021, the Maine legislature passed a landmark law banning carpets or rugs, or fabric treatments containing PFAS effective January 1, 2023, and providing that effective January 1, 2030 "a person may not sell, offer for sale or distribute for sale in this State any product that contains intentionally added PFAS, unless the department has determined by rule that the use of PFAS in the product is a currently unavoidable use." 38 MRSA sec. 1614. The legislature also passed a resolve, sponsored by Representative Bill Pluecker, "Directing the Board of Pesticides Control To Gather Information Relating to Perfluoroalkyl and Polyfluoroalkyl Substances in the State." The resolve required the BPC to require companies registering pesticides annually with the Board to distributors to "provide affidavits stating whether the registered pesticide has ever been stored, distributed or packaged in a fluorinated highdensity polyethylene container and to require manufacturers to provide an affidavit stating whether a perfluoroalkyl or polyfluoroalkyl substance is in the formulation of the registered pesticide." http://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0185&item=3&snum=130 Representative Pluecker followed this up with legislation in 2022 that requires the BPC to adopt rules related to pesticide containers and provides that pesticides that have been contaminated by PFAS, by its containers or otherwise, may not be registered for use in Maine. It also requires separate registration of all "spray adjuvants" – such as wetting agents or spreading agents - that have been added to pesticide formulations, and that may contain PFAS. https://www.maine.gov/dacf/php/pesticides/documents2/bd_mtgs/May22/8a-LD_2019.pdf For a BPC slide show on its various legislative mandates regarding PFAS and pesticides, see https://legislature.maine.gov/doc/8215

Mofga.org News quotes Bill Pluecker on these legislative successes, responding to a comment in a public hearing: "Describing PFAS as 'something that's not so good' is perhaps inaccurate, said the bill's sponsor Rep. Bill Pluecker of Warren, who also worked hard to pass the ban on sludge spreading. 'PFAS causes cancer, it causes low birth weight, it causes high cholesterol — all

things that Maine is struggling with. It has poisoned our farmers, it has poisoned our deer and our fish, it has poisoned our land, water and food. This seems a little worse than 'not so good.'" And also quotes Sen. Stacy Brenner, a champion of the successful legislation to ban spreading sludge on Maine farmland, an organic farmer and a member of MOFGA's board of directors: "We say that dilution is the solution to pollution, but when we talk about chemicals that are dangerous in the parts per billion level, chemicals that bioaccumulate in our bodies and chemicals that react on the body's endocrine system, dilution is not the solution. Containment is. Elimination is." "Mofga Celebrates Landmark PFAS Policies, *Mofga.org News*, April 26, 2022, https://www.mofga.org/news/maine-pfas-legislation/

Maine is a national leader in tackling PFAS in pesticides. This, from the June 6, 2023 *Maine Public*: "Under a law passed last year, pesticides that contain 'intentionally added' PFAS cannot be sold in Maine starting in 2030. In the meantime, Maine's Board of Pesticides Control has begun compiling a list of chemicals that the state has flagged as belonging to the PFAS family. The Environmental Working Group, which is a Washington, D.C.-based nonprofit that is heavily focused on chemical safety, used that growing list and pesticide registrations in Maine to identify more than 1,400 pesticides that contain active ingredients that meet the state's definition of PFAS. The group released a list of those 55 active ingredients on Tuesday as part of its campaign to highlight potential PFAS exposure to agricultural workers, gardeners and consumers. Lillian Zhou, a law fellow with the group, said she believes Maine is the first state to begin collecting this information on PFAS in pesticides. 'But we hope that other states will follow too and take the protective approach that Maine has to ban intentionally added PFAS from all pesticides,' Zhou said. 'And we also hope that this will really give pesticide manufactures a push to start phasing out PFAS from their products.'" (https://www.mainepublic.org/environment-and-outdoors/2023-06-06/national-group-uses-maine-data-to-highlight-pfas-in-pesticides)