



MAINE FARMLAND TRUST

Testimony of Ellen Stern Griswold, Policy and Research Director, Maine Farmland Trust, before the 130th Legislature's Joint Standing Committee on Environment and Natural Resources

January 24, 2022

Good morning Senator Brenner, Representative Tucker, and members of the Joint Standing Committee on Environment and Natural Resources. My name is Ellen Griswold, and I am testifying today on behalf of Maine Farmland Trust (MFT) in support of LD 1911 – *An Act to Prohibit the Contamination of Clean Soils with So-called Forever Chemicals*.

MFT is a member-powered statewide organization that works to protect farmland, support farmers, and advance the future of farming. Since our founding in 1999, MFT has helped to permanently protect nearly 300 farms and keep over 60,000 acres of farmland in farming, while supporting over 800 farm families with a range of services. Our four main program areas are Farmland Protection, Farmland Access, Farm Viability in the form of business planning and technical assistance to help farmers become and remain economically viable, and Public Outreach and Policy to grow the future of farming in Maine. Protecting farmland in Maine is a principal part of our mission because we believe it is vital for ensuring that agriculture remains a key component of Maine's way of life, with farms feeding our economy, stewarding our natural resources, and nourishing our communities.

As we now all know, per- and polyfluoroalkyl substances (PFAS) are a group of chemicals which are extremely persistent in the environment and in the human body. PFAS have been produced and used in a variety of products and industries since the 1950s, ranging from food packaging to firefighting foam. Studies suggest that these chemicals may have significant negative effects on the human body. The presence and persistence of PFAS contamination is an emerging national issue, and the unfolding information about PFAS in Maine is alarming, especially for farmers whose livelihoods are connected to the land. Although PFAS enter agricultural soils through a variety of means, one major source of PFAS contamination in Maine has been the application of industrial or municipal sludge, sometimes called biosolids, on farmland. The application of sludge by farmers who were unaware of the presence of PFAS in the sludge has led to the contamination of at least four family farms and hundreds of residential wells. This number will likely only increase as the state ramps up testing of farmland. Since PFAS are persistent in the environment, the application of sludge containing PFAS decades ago can still impact PFAS levels in the soil today and can build up over time.

MFT has been working to support several of these farms as they address the PFAS contamination on their land, and MFT staff have witnessed firsthand the significant impacts these farm businesses and families have experienced from the contamination. These impacts include ceasing CSA operations and losing the financial value of products that can no longer be sold; making the investment to change farm management practices, like converting 130 acres of pasture to corn only to have it still test too high to be used; having to purchase supplemental feed and hay from other sources; and even having to purchase additional land to use for their farming operations. These farmers have also had their wells contaminated, and live with ongoing concerns about the health effects of the PFAS

contamination for themselves and their families. Finally, these farmers worry about the value of their land – their largest investment – and what their options might be if they are no longer able to farm there.

MFT supports LD 1911 because we must protect Maine’s farm businesses and farmland from PFAS contamination. LD 1911 would ensure that screening levels are either updated or established for all PFAS substances to protect clean soils from PFAS contamination, and prohibit the land application or distribution of sludge, or compost derived from sludge, if it does not meet those updated screening levels. In doing so, the bill would close existing loopholes that allow for the contamination of clean farmland in Maine. These loopholes include allowing PFAS-contaminated sludge to be spread on receiving soils that have low or no PFAS contamination as long as it does not bring the resulting mix over the screening level, as well as allowing compost derived from PFAS-contaminated sludge to be sold to farmers, landscapers, and others for land application without considering the level of PFAS that might already be in the soil where it is applied. Given that PFAS can accumulate over time, are mobile and easily transported in ground water, and are extremely persistent, MFT does not believe that sludge containing PFAS should continue to be spread on farmland.

Agriculture is a key component of Maine’s economy, contributing over \$3.6 billion in economic impact and supporting over 27,000 jobs statewide.¹ But unfortunately, Maine’s farmland, the foundation of our state’s agricultural economy, is a precious and limited resource. According to the last USDA Census of Agriculture, between 2012 and 2017 Maine lost 10% of its farmland – that is over 145,000 acres of woodland, pastureland, and cropland that is no longer being used by Maine farms.² Development pressure is increasing in some parts of the state – which has only been exacerbated by the coronavirus pandemic – and farmers face challenges in affording and accessing the land they need to grow thriving businesses. We should not add to this growing list of farmland access challenges by continuing to contaminate farmland in the state.

For all of these reasons, MFT hopes that you will support LD 1911 and ensure that farmers have the land they need to continue to feed Maine’s economy and people for generations to come. I appreciate this opportunity to testify, and I would be happy to answer any questions that you have.

¹ Farm Credit East, “Northeast Economic Engine: Agriculture, Forest Products and Commercial Fishing,” (2020), , available at: <https://www.farmcrediteast.com/knowledge-exchange/Reports/2020%20Northeast%20Economic%20Engine>.

² In 2012, Maine had 1,454,104 acres in farmland, but by 2017 that number had dropped to 1,307,566 acres – a loss of 146,491 acres or 10% of Maine’s farmland. United States Department of Agriculture (USDA), National Agricultural Statistics Service (NASS), *U.S. Census of Agriculture for 2017*, Maine, https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_1_State_Level/Maine/mev1.pdf.