



MOFGA Testimony In Support Of
LD 928 - RESOLUTION, *Proposing an Amendment to the Constitution of Maine to
Establish a Right to a Clean and Healthy Environment*

March 22, 2023

Senator Stacy Brenner
Representative Lori Gramlich
Members of the Joint Standing Committee on Environment and Natural Resources
c/o Legislative Information Office
100 State House Station
Augusta, ME 04333

Dear Senator Brenner, Representative Gramlich and members of the Joint Standing Committee on Environment and Natural Resources,

My name is Heather Spalding and I'm deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). I am submitting comments in support of LD 928 - RESOLUTION, *Proposing an Amendment to the Constitution of Maine to Establish a Right to a Clean and Healthy Environment* – commonly known as The Pine Tree Amendment. This amendment would enshrine environmental justice in Maine's Constitution, demonstrating the State's permanent commitment to equity and providing legal standing to those who believe their environmental rights have been violated. MOFGA is proud to join a broad coalition of organizations, businesses and citizens who wish to add this green amendment to the rights and freedoms that we hold dear. Pennsylvania, Montana and New York have passed similar versions of this amendment. MOFGA wishes to thank Representative O'Neil and the co-sponsors of the legislation who are showing bipartisan support for this critical initiative.

This bill aligns with MOFGA's mission, which advocates for organic agriculture, illuminating its interdependence with a healthy environment, local food production, and thriving communities. We are helping people in Maine and beyond gain access to healthy, locally produced food, and an overall reduction of toxic chemicals in our food, air and water.

MOFGA has been advocating for stronger regulations of pesticide use for more than 50 years. Since our beginning we have advocated for policies that reduce all farmers' and homeowners' reliance on pesticides, and all citizens' exposures to pesticides in their



diets and in the air and drinking water. We believe that the dramatic increases since the 1950s in childhood and adult cancer rates, as well as abnormalities in the neurological, immune, endocrine and reproductive systems, are directly related to the toxins that increasingly contaminate our environment and threaten the very existence of the pollinators on which our food systems rely. We are seeking an end to spraying synthetic carcinogenic, neurotoxic, endocrine disrupting agrichemicals on our land. We're seeking justice for poor, rural, underrepresented and underserved communities that bear the brunt of industrial pollution. We want to show solidarity for the Wabanaki people who have inhabited the region in harmony with nature for time immemorial.

Many of the bills that MOFGA is working on in this legislative session seek solutions to environmental and human health problems caused by practices that once seemed like good ideas. The ends of the practices once justified the means. Now our water, air, soil and bodies are contaminated, our wild ecosystems are collapsing, and we're facing the next mass extinction. We have to shift from relative risk decision making to a precautionary approach.

Maine is working hard to address the widespread and devastating impact of per- and polyfluoroalkyl substances (PFAS) contamination in Maine drinking water and on Maine farmland. At least 56 farms are known to be seriously contaminated with PFAS – a class of persistent chemicals commonly used in consumer products a linked to serious human health problems including cancer. You have heard the heartbreaking stories of farmers who, through no fault of their own, are facing the total ruin of the agricultural businesses that they cultivated to serve Maine people. Thank you for your tireless leadership to correct this problem. We know that this crisis is going to surface across the country and we are proud of the initiative that Maine has taken to address it. If citizens of the U.S. had had a constitutional right to a healthy environment back in the early 1970s, we might have taken a precautionary approach to sludge management and actually stopped producing the chemicals that contaminated the sludge rather than simply shifting the disposal site from the ocean to farmland.

MOFGA is a proud supporter of Maine's Right to Food, the first state constitutional amendment of its kind. That ballot initiative, passed in 2021 by the people of Maine, amended Maine's constitution to ensure that citizens have the right to grow, raise, harvest and produce food, as long as they don't commit trespassing, theft, poaching, or abuses to private land, public land, or natural resources. Like Maine's Right To Food Amendment, the Pine Tree Amendment would give citizens standing in the judiciary system. It would create a strong legal precedent for any future legislation, establish that bills could not violate the rights to a healthy environment, and ensure that a Governor or Legislature could not infringe on these rights.

MOFGA fully recognizes that in order to build a more local, more organic Maine agriculture, we need to ensure that Maine farmers and farm businesses can make a comfortable living through sustainable management practices. We maintain that financial sustainability on the farm is inextricably linked to healthy people and healthy ecosystems.

The crisis of PFAS contamination makes it clear that Maine must act swiftly and reframe our collective approach to creating new products, technologies and industrial and agricultural management practices. The Pine Tree Amendment will accelerate our move away from the relative risk approach that has polluted our air, water, soil and bodies, toward a precautionary approach that ensures safety before introducing into our environment.

Thank you for your consideration of this important bill. We urge you to pass this and allow the people of Maine to embrace a healthy Maine future.

Respectfully,

Heather Spalding
Deputy Director
MOFGA