



MOFGA Testimony Generally In Support Of
LD 289 - *An Act to Require the State to Purchase
Farms Contaminated with Perfluoroalkyl and Polyfluoroalkyl Substances*

February 13, 2023

Good morning Senator Ingwersen, Representative Pluecker and members of the Joint Standing Committee on Agriculture, Conservation and Forestry. My name is Heather Spalding and I am deputy director of the Maine Organic Farmers and Gardeners Association (MOFGA). A broad-based community, MOFGA is creating a food system that is healthy and fair for all of us. Through education, training and advocacy, we are helping farmers thrive, making more local, organic food available and building sustainable communities.

I am speaking today generally in support of LD 289 - *An Act to Require the State to Purchase Farms Contaminated with Perfluoroalkyl and Polyfluoroalkyl Substances*. We recognize the inevitable need to buy out Maine farms that, tragically, are determined to be contaminated beyond hope for future farming. We recently heard from the Department of Agriculture, Conservation and Forestry Deputy Commissioner Nancy McBrady that 50 Maine farms are struggling with significant PFAS contamination, 6 more are being assessed for the extent of damage, and many more farms in Tier 2 still need to be contacted. The source of PFAS contamination on these farms primarily is sludge used as fertilizer. There are roughly 1,000 sites in Maine where sludge has been spread, and it is too early to tell how much money will be needed to address the contamination.

As you no doubt remember, several MOFGA-certified organic farm families bravely stepped forward last year and shared their stories of PFAS contamination on the land and water that they purchased and carefully stewarded. They didn't know that the land had been contaminated with forever chemicals many years ago. With the support of their families, friends, neighbors, various state organizations, state agencies and, of course, you, the Legislature, many of the farms have been able to reduce the PFAS contamination levels and pivot their production plans so that they could stay in business. Some farms, however, have had to face the terrible reality that their land and water are too contaminated for safe farming, and have moved on.

At the Agricultural Trades Show at the Augusta Civic Center last month, an organic dairy farmer announced to the PFAS Fund Advisory Committee that after a complicated effort to address contamination on his farm, he and his family had made the extremely difficult



decision to exit the dairy sector. His family's investment had been ruined, through no fault of his own.

We know that Maine's PFAS Fund Advisory Committee has the prospect of farm buyouts on its long list of considerations and we feel that this legislation, while extremely important, is coming too early in the process. Farmers need immediate assistance when they discover that PFAS has contaminated their soil and water. MOFGA and Maine Farmland Trust are working closely with the Department of Agriculture, Conservation and Forestry, as well as the Department of Environmental Protection, to respond to farmers dealing with PFAS contamination. The PFAS Emergency Relief Fund has raised \$1.3 million to help farmers with testing, wellness, infrastructure, and income replacement. The goal of this fund is to help farmers stay in business and safely produce food on their land.

A farm buyback is a last resort. If and when it comes to this, we will need standards for what is contaminated beyond repair. And, while Maine needs to compensate farmers at fair market value, having a per acre price in statute seems unwise. We would like to understand where the \$20,000 per acre figure came from because it is significantly higher than USDA figures for the average per acre value of Maine farmland (\$2860).

MOFGA is grateful to the members of the PFAS Fund Advisory Committee and its four subcommittees. Their work must guide the process for allocating the current \$60 million in state funding. We know that a lot more funding will be needed, and farm buybacks could consume a majority of future funding.

Ultimately, the manufacturers of the forever chemicals must be held accountable for the widespread damage they have caused. They need to reimburse Maine taxpayers for the harm they have caused. Thank you very much for your consideration of this bill. I would be happy to answer questions.

The Maine Organic Farmers and Gardeners Association (MOFGA) started in 1971 and is the oldest and largest state organic organization in the country. We're a broad-based community that educates about and advocates for organic agriculture, illuminating its interdependence with a healthy environment, local food production, and thriving communities. We have 15,000 members, we certify more than 500 organic farms and processing facilities representing \$90 million in sales, and we are working hard to provide training and create opportunities for Maine's next generation of farmers. Each of these farmers is a Maine businessperson for whom economic health and environmental health are interdependent. While MOFGA envisions a future of healthy ecosystems, communities, people and economies sustained by the practices of organic agriculture, we attribute our success to collaboration and outreach to growers across the management spectrum.