

**ANNUAL REPORT OF THE
PFAS FUND ADVISORY COMMITTEE**

TO THE

**JOINT STANDING COMMITTEE ON
AGRICULTURE, CONSERVATION
AND FORESTRY**

AND THE

**JOINT STANDING COMMITTEE ON
ENVIRONMENT AND NATURAL
RESOURCES**

FISCAL YEAR 2023

INTRODUCTION

The PFAS Fund Advisory Committee is pleased to submit this first annual report on the newly established Fund to Address PFAS Contamination (“the Fund”) to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Environment and Natural Resources.

ANNUAL REPORTING REQUIREMENT

Under 7 MRSA §320-L(3), by March 1 annually, the PFAS Fund Advisory Committee is to submit an annual report that provides the following information to the Joint Standing Committee on Agriculture, Conservation and Forestry and the Joint Standing Committee on Environment and Natural Resources:

- A. Input from advisory committee members on issues relating to the purpose and use of the Fund.
- B. Input from members of the public on issues relating to the purpose and use of the Fund.

BACKGROUND

The \$60 million Fund to Address PFAS Contamination (“the Fund”) was established by Governor Mills via Public Law 2021, Chapter 635, Part XX (State Supplemental Budget) signed on April 20, 2022, and codified at 7 MRSA Chapter 10-D.

Per 7 MRSA §320-L, an advisory committee was formed in September 2022, to make recommendations to the Department of Agriculture, Conservation and Forestry (“the Department”) regarding the administration of the PFAS Fund and to report to the Legislature. The advisory committee is composed of the following individuals:

1. Senator Stacy Brenner, co-chair (appointed by the President of the Senate)
2. Senator Richard Bennett (appointed by the President of the Senate)
3. Representative Jessica Fay, co-chair (appointed by the Speaker of the House of Representatives)
4. Representative Randall Hall (appointed by the Speaker of the House of Representatives)
5. Department of Agriculture, Conservation and Forestry Commissioner Amanda Beal (ex officio)
6. Department of Environmental Protection Commissioner Melanie Loyzim (ex officio)
7. Nancy Beardsley (DHHS Commissioner Lambrew's designee)
8. Dean Diane Rowland (appointed by the President of the University of Maine)
9. Farm Service Agency State Director Sherry Hamel (expert in agricultural finance and lending; appointed by Commissioner Beal)
10. James Buckle (farmer; appointed by Commissioner Beal)
11. Steven Crane (farmer; appointed by Commissioner Beal)
12. Jenni Tilton Flood (farmer; appointed by Commissioner Beal)
13. Katia Holmes (farmer; appointed by Commissioner Beal)
14. Adrienne Lee (farmer; appointed by Commissioner Beal)

15. Maine Public Health Association Executive Director Rebecca Boulos, MPH, Ph.D. (expert in public health; appointed by Commissioner Beal)

The advisory committee met on the following dates for the indicated purposes:

October 25, 2022	Orientation to the Department's and the committee's statutory charges. Set expectations regarding meeting norms and logistics, and timeline.
November 14, 2022	Agreed on meeting guidelines and remote meeting policy. Presenters from DACF, DEP, Maine CDC, the University of Maine, and Maine Farmland Trust provided an introduction to ongoing PFAS-related work being conducted in Maine.
December 12, 2022	Discussed goals of the Fund, defined initial priorities, and initiated the formation of subcommittees (see below).
January 11, 2023	Public hearing during the Agricultural Trades Show to solicit public input on uses of the Fund (see below).
February 13, 2023	Met to review the status of the subcommittees' work and to review the advisory committee's draft report to the Legislature.

Recordings and meeting materials are available on the PFAS Fund's website:

[PFAS Fund Advisory Committee: Maine Department of Agriculture, Conservation and Forestry.](#)

INPUT FROM ADVISORY COMMITTEE MEMBERS RE: PURPOSE AND USE OF THE FUND

The advisory committee is presently developing an initial plan to implement programs consistent with 7 MRSA §320-K(4), *i.e.*, programs to pay for blood testing and medical monitoring; buy and sell land with known PFAS contamination; purchase equipment, facilities, and infrastructure; develop enterprise budgets; replace income; evaluate PFAS testing and data management capacity; fund research that supports decision making; support long-term monitoring; develop and implement educational programs; assist with marketing; and engage in regional planning.

The advisory committee established short- and long-term goals for the PFAS Fund to guide the planning process:

Short-term: Support farmers impacted by PFAS contamination while they investigate and consider options. Short-term is defined as 24 months starting from the date elevated levels of PFAS are discovered.

Long-term: Enable impacted farmers and farms to thrive in their new circumstances.

Short-term is defined as 24 months starting from the date elevated levels of PFAS are discovered at a farm. The Department, with input from the advisory committee, made the distinction between short-term and long-term because farmers have substantially greater needs in the early days following the discovery of PFAS. The intention, moving forward, is to provide impacted farmers with financial security

while contamination is thoroughly investigated at their farms and they consider options for remaining in agriculture.

Currently, 56 farms in Maine are known to have varying levels of PFAS contamination. These farms are eligible for existing support from the Department of Agriculture, Conservation and Forestry's Bureau of Agriculture, Food, and Rural Resources (BAFRR) and will be eligible for support from the PFAS Fund once programs are established. Newly discovered farms will likewise be eligible for PFAS Fund support. Measures will be taken to ensure that duplicative payments are avoided. The existing support available from BAFRR includes payments for testing, water filtration systems, infrastructure investments, income replacement, and livestock indemnification. It is likely that responsibility for infrastructure investment in excess of \$150,000¹ and income replacement payment will shift from BAFRR to the PFAS Fund.

The advisory committee also established four subcommittees to develop, analyze, and recommend strategies to the PFAS Fund advisory committee. Each subcommittee met for the first time in late January 2023 and will continue to meet regularly, at least through the spring of 2023. By May 1, 2023, the subcommittees will propose strategies and preliminary budgets to the advisory committee. The advisory committee will then take a comprehensive look at the subcommittees' recommendations and prepare a draft implementation plan.

The Department, in turn, is required to seek public comment on the draft implementation plan. It will schedule a public hearing as soon as practical after receipt of the draft plan. Comments received at the public hearing will be considered by the advisory committee as the implementation plan is finalized.

Once the plan is finalized, the Department will take the advisory committee's recommendations under advisement as it begins to implement the Fund to Address PFAS Contamination. The Department anticipates that it will begin dispersing funds in the summer of 2023.

Financial and Business Support

The mission of the Financial and Business Support Subcommittee is to develop, analyze, and recommend strategies to the PFAS Fund Advisory Committee for short- and long-term financial and planning assistance for farmers impacted by PFAS contamination.

The Financial and Business Support Subcommittee is considering whether and how the PFAS Fund can provide the following types of support:

- Income replacement and other direct financial assistance;
- Infrastructure investments that allow farmers to shift to alternative types or methods of production;
- Access to technical experts (agronomic, financial, legal, etc.) to help farmers determine how best to move forward;

¹ BAFRR currently provides a suite of support to farms, including helping provide clean feed, purchasing equipment necessary to help a farm pivot to a new type of production, or funding infrastructure projects on the farm that help the farmer adjust to PFAS contamination. BAFRR currently caps infrastructure investments (permanent fixtures or structures) at \$150,000. A farm may still receive additional support (equipment, clean feed) beyond the \$150,000 infrastructure cap. It is envisioned that BAFRR will continue to provide these types of support but that requests for infrastructure investment exceeding \$150,000 would be directed to the PFAS Fund. Examples could include requests to build new or relocate existing greenhouses, build new outbuildings or barns, etc.

- Loan guarantees; and
- Marketing and market access assistance.

The Financial and Business Support Subcommittee members are:

1. Nancy McBrady, DACF, co-chair
2. Adrienne Lee, New Beat Farm, co-chair
3. Jenni Tilton Flood, Flood Brothers Farm
4. Steve Crane, Crane Brothers Farms
5. Jim Buckle, The Buckle Farm
6. Katia Holmes, Misty Brook Farm
7. Tricia Rouleau, Maine Farmland Trust
8. Mariam Taleb, Maine Organic Farmers and Gardeners Association
9. Jason Harkins, University of Maine Business School
10. Lucia Brown, USDA Farm Service Agency
11. Fred Stone, Stoneridge Farms
12. Jed Beach, FarmSmart

Land Transfers

The mission of the Land Transfers Subcommittee is to develop, analyze, and recommend strategies to the PFAS Fund Advisory Committee for the purchase and sale of agricultural land with known PFAS contamination.

The Land Transfers Subcommittee is presently considering (1) policies and procedures the PFAS Fund could adopt for the purchase and sale of agricultural land with known PFAS contamination and (2) an educational program for landowners to provide guidance related to the purchase and sale of PFAS-impacted land.

The Land Transfers Subcommittee members are:

1. Sherry Hamel, USDA Farm Service Agency, co-chair
2. Alex Redfield, DACF Agricultural Resource Development Division, co-chair
3. Steve Crane, Crane Brothers Farm
4. Nick Hodgkins, DEP Division of Remediation
5. Emma Enoch, Coastal Enterprises, Inc.
6. Sarah Demers, DACF Land for Maine's Future program
7. Nancy Smith, GrowSmart Maine
8. Brett Sykes, Maine Farmland Trust
9. Jeff Baron, Farm Credit East
10. Adam Nordell, Defend Our Health & Songbird Farm

Research

The mission of the Research Subcommittee is to develop, analyze, and recommend strategies to the PFAS Fund Advisory Committee for short- and long-term research that informs farm management decisions.

The Research subcommittee is presently considering whether and how the PFAS Fund can fund a competitive research grant program, opportunistic research, an experiment station, and a digital library/database of PFAS-related research.

Members of the Research Subcommittee are:

1. Amanda Beal, DACF, co-chair
2. Diane Rowland, University of Maine, co-chair
3. Nancy McBrady, DACF
4. Jenni Tilton-Flood, Flood Brothers Farm
5. Katia Holmes, Misty Brook Farm
6. Rebecca Boulos, Maine Public Health Association
7. Andy Smith, DHHS Maine CDC
8. Tim MacMillan, DEP Division of Technical Services
9. Ellen Griswold, Maine Farmland Trust
10. Gail Carlson, Colby College
11. Hannah Carter, University of Maine
12. Charles Rolsky, Shaw Institute
13. Andrew Carpenter, Northern Tilth
14. Caleb Goossen, MOFGA

Health

The mission of the Health Subcommittee is to develop, analyze, and recommend strategies to the PFAS Fund Advisory Committee for the provision of blood testing, medical monitoring, and mental health support in the short- and long-term for individuals whose drinking water or agricultural land is found to be contaminated by PFAS.

In addition to developing recommendations for testing and monitoring programs for impacted farmers, the Health Subcommittee is working to define the parameters of PL 2021, c. 635, sec. XX-3(3), "a PFAS medical monitoring and blood levels of PFAS testing program for persons whose drinking water or agricultural land is found to be contaminated by PFAS."

Members of the Health Subcommittee are:

1. Isaac Benowitz, MD, DHHS Maine CDC, co-chair
2. Rebecca Boulos, MPH, PhD, Maine Public Health Association, co-chair
3. Andy Smith, SM, ScD, DHHS Maine CDC
4. Stacy Brenner, RN, State Senator & Broadturn Farm
5. Rachel Criswell, MD, MS, Skowhegan Family Practice
6. Abby Fleisch, MD, Maine Health
7. Adam Nordell, BA, Defend Our Health
8. Demetri Blanas, MD, Maine Mobile Health
9. Leslie Walleigh, MD, MPH, DHHS Maine CDC

INPUT FROM MEMBERS OF THE PUBLIC ON ISSUES RE: PURPOSE AND USE OF THE FUND

The advisory committee held a public hearing on January 11, 2023. Over a dozen speakers offered recommendations for use of the PFAS Fund.

A recording of the hearing is available here: [PFAS Fund Hearing - January 11, 2023 at Ag Trades Show - YouTube](#). The public's comments are summarized below.

- Farmers should be made whole financially.
- Include support for farmers who farm on leased land.
- Food safety is a primary concern.
- It is important to disseminate funds quickly, so farms don't go out of business.
- Be aware that while test results are pending, milk has to be dumped; even when the test is negative there is still a hit to the farmer and/or co-op.
- Need quick and reliable testing.
- Include farms exposed to PFAS through military operations, as well as via biosolids.
- Focus on research with on-the-ground impact and on-farm methods when practical/applicable.
- Dedicate some of the funds to research wool production on contaminated land, with or without solar installations.
- Investigate the impact of PFAS-contaminated dust.
- Use an impacted farm as an animal research site.
- Be prepared for whole-farm buyouts
- Will the fund inform tax assessors of the presence of PFAS (to reduce tax bills)?
- Keep a focus on health impacts.
- Consider health testing for people not living on farms.
- DEP ought to provide more explanation with their sludge maps; not every licensed site received sludge and not all sludge had PFAS.
- Use the fund to educate consumers to avoid products with PFAS so that they don't enter the waste stream in the first place
- Need to get correct information out to counter fear.
- The advisory committee should look for additional sources of funding.

The advisory committee and, ultimately, the Department will take these recommendations into account as they continue to develop the PFAS Fund's initial implementation plan. They will seek further public input once the draft implementation plan is complete.