

## After historic passage, new laws battling PFAS enter implementation phase

On May 9, Maine Gov. Janet Mills signed LD1911 into law, officially banning the spread of fertilizer infused with PFAS, toxic substances more commonly known as “forever chemicals,” on Maine’s farmland. The bill’s passage made Maine the first state in the U.S. to ban the use of industrial and municipal sewage sludge as fertilizer.

The bill was presented by Rep. Bill Pluecker (I-Warren), who owns a farm in Warren, and co-sponsored by Representatives Jessica Fay (D-Raymond), Speaker Ryan Fecteau (D-Biddeford), Lori Gramlich (D-Old Orchard Beach), Shelley Rudnicki (R-Fairfield). Senators Rick Bennet (D-Oxford), Craig Hickman (D-Kennebec), Chloe Maxmin (D-Lincoln) and Stacy Brenner (D-Cumberland) also signed onto Pluecker’s bill.

Environmental advocacy groups including Defend our Health, MOFGA, Maine Farmland Trust and Maine Conservation Voters also campaigned for passage of this bill.

For decades, Maine farmers used PFAS-contaminated sludge as fertilizer as part of a Department of Environmental Protection (DEP) approved program. The DEP distributed cheap sludge-filled fertilizer to farmers and heavily promoted the program as environmentally friendly.

Defend our Health Deputy Director Patrick Macroy explained how closures of Stoneridge Farm in Arundel and Songbird Farm in Unity forced “Maine farms to learn the hard way” that spreading PFAS-sludge fertilizer on their land wasn’t safe, despite assurances from the state. The new law aims to right those wrongs.

“LD 1911 assures that similar false promises are no longer going to be made,” Macroy told *Beacon*. “It’s a recognition that we have learned from the mistakes of the past and we are no longer going to distribute material with a high likelihood of being dangerously contaminated. We will be preventing more farms from having to be closed another ten, twenty, thirty or more years from now because of the pollution made today.”

In addition to passing the ban, Maine is going a step further by going after the companies that produced the sludge and claimed it was safe for use. Maine Attorney General Aaron Frey announced over the weekend that his office is preparing a lawsuit against PFAS manufacturers to “hold them to account.”

Leading up to LD1911’s passage, a coalition of wastewater treatment district officials, business owners, and farmers rallied against the proposal. They claimed banning the toxic fertilizer would “increase costs” by forcing them to rely on “more expensive fertilizers.”

Despite the industry opposition, Pluecker isn’t worried about farmers grasping the long-term benefits of the new law.

“For those farmers who have had their businesses and health threatened, the bill is exactly what they’ve been calling for since last year,” Pluecker told *Beacon*. “Farmers do not want to spread contaminated sludge on their fields because it threatens all they hold dear.”

Pluecker noted the new law may have a significant impact on Casella, a waste management company that operates across the Northeast. In the past, Casella has brought out-of-state PFAS sludge into

Maine as a cost saving measure. The new law prohibits Casella and other waste management companies from doing this.

“The ways that Casella makes a profit in Maine have been changed pretty severely... I know they won’t be importing sludge from out of state for application in Maine any longer, which I see as a good thing,” Pluecker said. “From what I understand, they will need more bulking materials to deal with in-state sludge dumped in our landfills. We have clearly heard, though, from DEP there is sufficient space in the landfills for the sludge we produce in-state.”

Since the application of sludge already requires a license and has been regulated, PFAS experts believe it should not be difficult for DEP to implement LD1911’s requirements. Instead, the most significant challenge may be addressing bagged fertilizer made with sludge, often produced out of state and sold at garden centers and home stores across Maine.

“While these products already required DEP approval, we had previously identified products for sale in Maine that had never been licensed through DEP,” Macroy said. “DEP took action when we shared our findings. And I’m hopeful that DEP will be in contact with retailers to share the requirements of LD1911.”

“I’m sure groups such as ours will be on the look-out and report potential violations of the retail sale requirements to the state,” Macroy added. “So that too should not be too challenging to implement.”

The Mills administration has also set aside \$60 million to financially aid farmers impacted by PFAS pollution. Given the lack of explicit criteria for distribution, Macroy is unclear about how farmers will be prioritized, oversight of the funds and the timing of the payments.

“The legislation that created the \$60 million dollar fund did not create explicit criteria for its distribution, but rather left the details to the Department of Conservation, Agriculture, and Forestry, with the input of an advisory committee consisting of many stakeholders. I urge DACF to move rapidly to convene the advisory committee and start immediately providing short term assistance to impacted farmers,” Macroy said.

In the longer term, Macroy wants to ensure the funding remains true to the goal of assisting impacted farmers, as well as families whose well water was contaminated as a result of the sludge application—who are also eligible for medical monitoring under the fund.

“The law has also allowed for research projects and other activities to be funded with the \$60 million allocation,” Macroy said. “We will have to monitor the program very closely to ensure these other efforts are actually resulting in actionable information and value to those harmed by the PFAS laden sludge.”

*Photo: Fred Stone, owner of Stoneridge dairy farm in Arundel, which was one of the first properties to learn about the devastating impacts of PFAS-contaminated sludge spread on the land. | Courtesy of Elyse Tipton*