

# FUND TO ADDRESS PFAS CONTAMINATION

## ANNUAL REPORT FISCAL YEAR 2024



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## **I. INTRODUCTION**

The Department of Agriculture, Conservation and Forestry (DACF), Office of the Commissioner, is pleased to submit this second annual report on the Fund to Address PFAS Contamination ("the PFAS Fund") to the Joint Standing Committees on Agriculture, Conservation and Forestry; Environment and Natural Resources; and Health and Human Services.

## **II. ANNUAL REPORTING REQUIREMENT**

Under 7 M.R.S. §320-K(7), by March 1 annually, DACF is to submit an annual report that provides the following information to the Joint Standing Committees on Agriculture, Conservation and Forestry; Environment and Natural Resources; and Health and Human Services:

- A. The status of a plan to establish funding priorities, administration, and oversight,
- B. Uses of the PFAS Fund,
- C. Status of carrying out the purposes of the Fund as described in 7 M.R.S. §320-K(4),
- D. Additional needs identified by the agricultural community,
- E. What funds have been dispersed from the Fund, and for what purpose those funds were dispersed,
- F. Activities of the advisory committee, including but not limited to, the number of meetings held, a summary of each meeting, and recommendations for legislation from the advisory committee.

## **III. PLAN FOR ADMINISTRATION OF THE FUND TO ADDRESS PFAS CONTAMINATION / USES OF THE FUND**

The *Plan for Administration of the Fund to Address PFAS Contamination* was adopted by the PFAS Fund Advisory Committee on July 10, 2023 (attached as Appendix A). The public process for developing the plan is described below in Section VII.

The implementation plan includes 23 strategies to achieve the objectives described in 7 M.R.S. §320-K(4):

### A. Direct Support for Impacted Producers

**Strategy I.A:** Provide up to 24 months of lost income to producers who had to reduce or cease sales due to PFAS contamination.

**Strategy I.B:** Provide technical assistance and professional services to assist producers in navigating options for remaining viable despite the presence of PFAS.

**Strategy I.C:** Establish one or more "PFAS Response Navigators" to guide impacted farmers through the recovery process. The primary role of the PFAS Response Navigators will be to work with PFAS-impacted commercial farmers to help identify and connect with support programs for which they are eligible.

**Strategy I.D:** Establish a mechanism to compensate farmers for the time they spent responding to PFAS contamination, separate from routine farm operations.

**Strategy I.E:** Provide support for infrastructure projects intended to help impacted farms transition their production practices and that are valued above \$150,000 (DACF has an existing program to support projects valued up to \$150,000).

**Strategy I.F:** Reduce lenders' liability and bear some of the costs associated with obtaining new loans for farms impacted by PFAS contamination. Also, develop educational materials for lenders.

**Strategy I.G:** Provide support for public relations and marketing at various points along the PFAS trajectory (e.g., crisis communications, emerging from crisis). Also, in its own communications, DACF will emphasize farms' success stories.

**Strategy I.H:** Develop a "PFAS Response Kit." It will be a physical binder with information about all the resources supported by the PFAS Fund, as well as information about other resources available to farmers impacted by PFAS contamination. A PDF version will also be available on DACF's website.

#### B. Land Acquisition and Stewardship

**Strategy II.A:** Purchase PFAS-contaminated land from willing sellers at the fair market value as if there were no PFAS.

**Strategy II.B:** Manage acquired properties for public purposes (e.g., conservation, carbon sequestration) with a goal of returning the land to private ownership for agricultural production whenever possible.

**Strategy II.C:** Establish a program to make payments to commercial farmers who take PFAS-impacted land out of production and agree to manage it in a manner that achieves conservation or other policy goals.

**Strategy II.D:** Produce and distribute informational materials to professionals involved in real estate transactions and to municipal offices. Information may include basic information about PFAS compounds: what they are, where they are found, why they are concerning, and how they can be managed. Also, a link to the Maine Department of Environmental Protection's (DEP) PFAS investigation map, information about required residential property disclosures, and general information about like-kind exchanges under Internal Revenue Code Section 1031 (allowing business owners to minimize capital gains taxes).

#### C. Research

**Strategy III.A:** Establish a competitive research grant program to support scientific research to inform on-farm management decisions.

**Strategy III.B:** Establish a research station on a property purchased by the PFAS Fund under Strategy II.A.

**Strategy III.C:** Compile and share scientific information resulting from the competitive research grant program (e.g., through a data portal and a bibliography/literature repository).

#### D. Health

**Strategy IV.A:** Establish a program to pay for costs not otherwise covered by health insurance for PFAS blood serum testing for persons who were exposed to PFAS through the land application of residuals in Maine.

**Strategy IV.B:** Maine Center for Disease Control and Prevention (Maine CDC) will initiate rulemaking to make PFAS blood test results reportable under the Notifiable Disease Reporting Rule or designate PFAS test results reportable as an emergency condition.

**Strategy IV.C:** Develop a program to cover the cost of medical monitoring, when such monitoring is not already covered by existing health care insurance, in eligible persons whose PFAS blood serum levels indicate the need for enhanced medical monitoring (i.e., currently, blood serum levels above 20 nanograms per milliliter (ng/mL) according to the National Academies of Sciences, Engineering, and Medicine).

**Strategy IV.D:** Explore options to provide medical care for certain PFAS-associated conditions for individuals with elevated blood levels of PFAS and who were exposed to PFAS through the land application of biosolids. Options to consider are providing eligible individuals with lifetime access to MaineCare; enrolling eligible individuals in the Maine State employees' health plan; and if the Attorney General succeeds in the lawsuit filed in April 2023 against PFAS manufacturers, setting aside some of the settlement money for medical care for people with conditions linked to PFAS exposure. *Notably, no budget is currently associated with this strategy. It is included to highlight that the public health impacts of PFAS exposure exceed the scope of the PFAS Fund.*

**Strategy IV.E:** Support a clinical trial to help advance the science of PFAS reduction modalities for humans.

**Strategy IV.F:** Support the mental health and well-being of farmers and residents of Maine who have been adversely impacted by PFAS contamination.

**Strategy IV.G:** Support the development and distribution of materials to educate the public and clinicians about sources of PFAS exposure and associated health issues, as well as clinical guidance.

**Strategy IV.H:** Support a study of farmers and farm workers to investigate whether certain levels of PFAS-contaminated soil represent a significant source of ongoing exposure to people who work with soil.

#### E. Budget

Through P.L. 2021, ch. 635, sec. XX-7, the Legislature transferred \$60 million from the unappropriated surplus of the General Fund to the Department of Agriculture, Conservation and Forestry, Office of the Commissioner, Other Special Revenue Funds account for the purposes as provided under the 7 M.R.S. § 320-K(4). These purposes have been further developed as described in the PFAS Fund implementation plan and the rules at 01-001 C.M.R. ch. 400-408 (2024).

The PFAS Fund implementation plan includes a five-year projected budget of approximately \$70 million. The difference between the State allocation and the projected need is anticipated to be met through other funds, such as grants. In fact, half of that gap has already been filled with a recent \$5

million grant from the U.S. Department of Agriculture (USDA), received in September 2023. The USDA award includes:

- \$3 million for PFAS agricultural research (Strategy III.A)
- \$134,181 for a Public Service Coordinator to establish and manage a competitive research grant program (Strategy III.A)
- \$500,000 for income replacement payments (Strategy I.A)
- \$500,000 for infrastructure payments (Strategy I.E)
- \$122,177 for business planning and other professional services (Strategy I.B) and
- \$549,400 for a sub-award to Maine CDC to assist the PFAS Response Program with PFAS testing and laboratory work, and public health education

Importantly, the PFAS Fund implementation plan highlights the need for long-term funding that is not included in the \$70 million projected budget. These costs include:

- **Strategy II.B:** Funding for ongoing management/stewardship of properties acquired by the PFAS Fund;
- **Strategy II.C:** Funding to enable PFAS-impacted farmland owners to enter into long-term contracts to receive payments in exchange for adopting management practices that advance conservation or climate goals;
- **Strategy III.A:** Establishment of a permanent position to manage the research and health elements of the implementation plan (DACF is currently advertising for a limited-term Public Service Coordinator position);
- **Strategy III.B:** Funding for maintenance and operation of a PFAS agricultural research station;
- **Strategy IV.D:** Funding to provide medical care for certain PFAS-associated conditions to individuals with elevated blood levels of PFAS and who were exposed to PFAS through the land application of biosolids; and
- **Strategy IV.F:** Funding for a permanent mental health support program for the agricultural community.

As the PFAS Fund enters the implementation phase, it will continually assess its budgetary needs and seek additional sources of funding where necessary.

#### **IV. STATUS OF CARRYING OUT THE PURPOSES OF THE FUND**

##### **A. Rulemaking**

A critical first step toward launching the implementation phase of the PFAS Fund is the establishment of routine technical rules to define eligibility criteria, administrative procedures, evaluation criteria, and appeals procedures for any programs through which the Department grants financial assistance. PFAS Fund staff drafted and refined rules during the summer and fall of 2023.

DACF issued a Notice of Agency Rulemaking Proposal on November 29, 2023, as well as amended notices on December 13, 2023 (extending the comment deadline) and December 27, 2023 (rescheduling the public hearing due to severe weather on the originally scheduled date and once again extending the comment deadline). A public hearing was held in Augusta on January 16, 2024, with a remote option via Zoom. The deadline for written comments was January 26, 2024.

The following rules are expected to be finalized in March 2024, and are appended hereto:

- 01-001 C.M.R. ch. 400: Administrative Cost Grants
- 01-001 C.M.R. ch. 401: Income Replacement

- 01-001 C.M.R. ch. 402: Support for No-Cost Technical Assistance
- 01-001 C.M.R. ch. 403: Infrastructure Investment Grants
- 01-001 C.M.R. ch. 404: Assistance Obtaining New Loans
- 01-001 C.M.R. ch. 405: Real Estate Purchases
- 01-001 C.M.R. ch. 406: Competitive Research Grants
- 01-001 C.M.R. ch. 407: Financial Support for PFAS Blood Serum Testing
- 01-001 C.M.R. ch. 408: Financial Support for Mental Health Care

#### B. Staffing

Staffing is another prerequisite to full implementation. PFAS Fund Director Beth Valentine joined DACF in September 2022, as the PFAS Fund's only dedicated employee. During the summer of 2023, legal intern Anthony Erwin assisted with drafting rules, creating preliminary program documents, and helping to organize and manage meetings. In November 2023, a second full-time permanent staff member joined the PFAS Fund. PFAS Fund Management Specialist Melissa Hamlin is responsible for developing and overseeing the PFAS Fund's land acquisition and stewardship program and processing applications for direct financial support. The PFAS Fund is currently advertising for a full-time, limited-period Public Service Coordinator to implement the competitive research grant program and related strategies, and to assist with implementing health-related initiatives. The PFAS Fund will endeavor to convert this position into a permanent position.

#### C. Direct Support for Impacted Producers

With the finalization of the rules at 01-001 C.M.R. ch. 400-404, the PFAS Fund can begin accepting applications for financial assistance from impacted producers. PFAS Fund staff have been working closely with staff from DACF's PFAS Response Program to coordinate the rollout of these new or expanded avenues of support.

DACF's Bureau of Agriculture, Food, and Rural Resources first began working with PFAS-impacted producers in 2020. It formalized its PFAS Response Program with bipartisan financial support from the Legislature in early 2022. Staff assist impacted farms by conducting comprehensive testing to determine sources of exposure and the levels of PFAS in soil, water, forage, compost, manure, milk, and vegetative and animal tissue. Working with the Maine CDC, staff also assess the results and work with impacted farmers to create mitigation plans to reduce contamination at the farm level, produce safe products, and enable farms to remain viable. The PFAS Response Program has also provided over \$2.6 million in financial support to impacted producers as of January 2024, for testing, water filtration, farm viability (e.g., clean feed, new equipment, greenhouses, water delivery, fencing), income replacement, and depopulated livestock value payments. Of this, \$1.4 million has been paid out for income replacement payments and \$884,000 has gone toward farm viability payments.

With the finalization of the rules, the PFAS Fund will assume responsibility for income replacement payments (Strategy I.A). The PFAS Fund will provide for up to 24 months of lost income.

The PFAS Fund will also be responsible for some farm viability payments (Strategies I.D-F). Specifically, the PFAS Fund will be responsible for infrastructure projects valued above \$150,000 (the current upper limit of the PFAS Response Program's infrastructure grants) and will launch new programs to provide \$3,500 administrative cost grants to impacted farmers, support business planning and other professional services, and offset costs associated with obtaining new loans necessitated by the discovery of PFAS.

There will be a single "master application" for all PFAS-related financial assistance from DACF, whether from the PFAS Response Program or the PFAS Fund. Once the rules are finalized, the application will be available in hard copy and on DACF's website.

Simultaneous with developing the rules and master application, PFAS Fund staff have updated DACF's internal policies governing income replacement and farm viability payments and established contracts within the State's procurement system to allow payments to be processed readily.

Strategies I.C and I.H refer to PFAS Response Navigators and a PFAS Response Kit. The PFAS Fund is in the preliminary stages of contracting for the Navigators and development of the Kit is in process.

#### D. Land Acquisition and Stewardship

With the finalization of 01-001 C.M.R. ch. 405, the PFAS Fund can begin accepting inquiries from landowners interested in selling their PFAS-contaminated real property (Strategy II.A). An inquiry form has been designed and, like the master application for financial assistance, is expected to be available in hard copy and online in early March.

The PFAS Fund will evaluate inquiries with the assistance of an advisory panel that will be established in the spring of 2024 and that will be composed of:

- The Commissioner of DACF or the Commissioner's designee;
- The Commissioner of Environmental Protection or the Commissioner's designee;
- The Commissioner of Inland Fisheries and Wildlife or the Commissioner's designee;
- Two members of the public representing the agricultural sector, at least one of whom is an active commercial farmer;
- One member of the public representing expertise in land use transactions (e.g., lawyer or realtor); and
- One member of the public with expertise in land use planning.

The role of the advisory panel is to help prioritize which properties to purchase and to recommend management strategies (Strategy II.B) for properties acquired by DACF. Prioritization criteria for land purchases may include but are not limited to:

- Degree and extent of PFAS contamination of soil and/or groundwater (highest priority will be given to commercial farms with greater PFAS contamination);
- Percentage of soils classified by the United States Department of Agriculture (USDA) (and confirmed with onsite soil-testing) as prime farmland, unique farmland, farmland of statewide importance, and farmland of local importance (highest priority will be given to commercial farms with more soils classified by the USDA as prime farmland, unique farmland, farmland of statewide importance, and farmland of local importance);
- Magnitude of financial loss resulting from PFAS contamination (higher priority will be given to commercial farms that have experienced greater financial loss);
- Economic viability of the working farmland property in terms of current and potential future commercial agricultural activities in local, regional and statewide markets (higher priority will be given to commercial farms with greater potential for future commercial agricultural activities);
- Natural resources values associated with the farmland property, including open space land, forested land, wetlands, riparian buffers, and wildlife habitat (higher priority will be given to commercial farms with higher natural resource values); and

- Costs associated with maintaining the property (higher priority will be given to commercial farms with lower maintenance costs).

Once a property has been deemed suitable for purchase, the PFAS Fund will be responsible for obtaining an appraisal, conducting due diligence, (e.g., title search, boundary survey, environmental site assessment), and coordinating with the DEP's Voluntary Response Action Program (VRAP). The VRAP allows applicants to voluntarily investigate and clean up properties to DEP's satisfaction, in exchange for protections from DEP enforcement actions. Until there is a practical method to remediate PFAS-impacted soils, the VRAP program will characterize enrolled properties and prepare a covenant to be recorded in the relevant registry of deeds that identifies restrictions on the use of the enrolled property. To help the land acquisition process move along smoothly, the PFAS Fund established a Pre-Qualified Vendor List (PQVL) of certified general real property appraisers in January 2024.

#### E. Research

With the finalization of 01-001 C.M.R. ch. 406, the PFAS Fund can establish a competitive research grant program (Strategy III.A). As noted above, the PFAS Fund is currently advertising for a limited-period Public Service Coordinator to be paid through the USDA grant to oversee the research grant program.

The next step is to assemble a research advisory panel to recommend research priorities for each round of grant funding. Based on those priorities, the panel will identify the desired areas of expertise for peer reviewers, propose peer review strategies that assure an absence of conflicts of interest, and help identify qualified peer reviewers. The research advisory panel will consist of:

- The Commissioner of DACF or the Commissioner's designee,
- The Commissioner of the Department of Environmental Protection or the Commissioner's designee,
- The Commissioner of the Department of Health and Human Services or the Commissioner's designee,
- The President of the University of Maine or the President's designee,
- One member of the public with expertise in agriculturally-related PFAS science, and
- Two members of the public representing the agricultural sector.

The agency and university members of the research advisory panel will be well-versed in both the need for and approaches to PFAS-in-agriculture research. Leadership and staff from DACF, DEP, Maine CDC, and the University of Maine have been engaged with PFAS issues through their years-long involvement in PFAS program development within and among their respective agencies. They have developed expertise and have been invited to share their insights at conferences and other local, regional, and national forums.

Additionally, the research advisory panel will consider input on research priorities received during a public hearing held during the Agricultural Trades Show in January 2024, and through an online survey that was also conducted in January 2024.

The online survey asked respondents to rate the research priorities included in the PFAS Fund implementation plan<sup>1</sup> as high, medium, or low priorities. Eight people responded (not a statistically significant number). Nonetheless, the following topics were most highly rated:

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<sup>1</sup> See pages 40-41 of the *Plan for Administration of the Fund to Address PFAS Contamination* (Appendix A).

- The extent to which vegetables take up PFAS and where in the plants they are found (100% rated as a high priority);
- How do PFAS soil levels change over time? (88% rated as a high priority);
- Efficacy of biochar or other products as immobilizers (88% rated as a high priority);
- Transfer factor of PFAS from soil, water, or other exposure pathways (e.g., feed) into milk, beef, and eggs (85.7% rated as a high priority);
- Factors affecting the transportation of PFAS through soil (e.g., soil type, microbes) (75% rated as a high priority);
- The extent to which forages take up PFAS and where in the plants they are found (71.4% rated as a high priority);
- The extent to which fruits take up PFAS and where in the plants they are found (66.7% rated as a high priority);
- Factors impacting the rate that PFAS leach from soil to groundwater (63% rated as a high priority); and
- The extent to which grains take up PFAS and where in the plants they are found (62.5% rated as a high priority).

During the public meeting and through the online survey, the PFAS Fund also solicited ideas for additional research topics:

- Migration of PFAS in aquifers and soils related to irrigation with PFAS-contaminated water;
- Mass loading of impacted products (e.g., hay, compost, manure) and their impacts on fields not spread with biosolids;
- Crop management strategies to reduce PFAS contamination in harvested products. For example, forage harvest timing (late vs early; 1st vs 2nd cut), and forage species selection.
- Causes of discrepancies between PFAS levels in forage sampled in the field and hay sampled after harvest;
- Treatment options to remove/reduce PFAS from manure;
- A large-scale hemp phytoremediation pilot program;
- PFAS in human waste;
- How properties of soils or soil series influence the residence time of PFAS contamination; and
- Models to predict changes based on soil properties.

The research advisory panel will consider this input, along with their own expertise, when recommending research priorities. Once priorities are identified, the PFAS Fund will issue a Request for Applications (RFA) to solicit research proposals. The PFAS Fund anticipates issuing the first RFA by fall 2024.

#### F. Health

With the finalization of the rules at 01-001 C.M.R. ch. 407-408, the PFAS Fund can begin the process of contracting for blood testing (Strategy IV.A) and mental health services (Strategy IV.F) for eligible individuals. Contracting for blood testing and mental health services will begin in mid-2024.

Contracting for mental health services will be informed by a survey conducted by the PFAS Fund in January 2024. The survey was designed to help define what mental health services the PFAS Fund may offer to PFAS-impacted commercial farmers, farm families, farm workers, and non-farm residents whose drinking water wells have been contaminated by the land application of residuals.

The survey was hosted on DACF's website. Invitations to complete the survey were emailed or mailed to 84 farms with which the PFAS Response Program has had interactions. An invitation to complete the survey was also shared, through their attorney, with litigants in a suit against an industrial manufacturer by residents whose drinking water has been contaminated by PFAS (the litigants may or may not be farmers). A total of 25 responses have been received but have not yet been fully analyzed.

Additionally, DACF and the Maine Department of Health and Human Services (DHHS) are negotiating a memorandum of understanding through which the PFAS Fund will provide funding and Maine CDC will address the following strategies:

- **Strategy IV.B: Notifiable Condition.** Maine CDC anticipates starting work around June 2024. Initial steps include bringing staff on board, training them to develop protocols for responding to reports of elevated blood levels of PFAS, and developing the necessary informatics to manage data flows.
- **Strategy IV.E: Clinical Trial.** The PFAS Fund may support a clinical trial of one or more PFAS body burden reduction modalities. The PFAS Fund implementation plan describes a two-phase strategy to advance the science of PFAS reduction modalities. Phase I is to explore options for a clinical trial. If Phase I produces satisfactory, actionable results, Phase II will be an actual clinical trial. Maine CDC will contract with a vendor in 2025 to conduct the Phase I exploration of options for a clinical trial.
- **Strategy IV.G: Educational Materials.** Maine CDC will work to improve healthcare provider education on blood testing and health monitoring. A public health educator will develop, evaluate, and update health communication materials related to PFAS. The materials will be distributed to lay and clinical audiences. The U.S. Agency for Toxic Substances and Disease Registry (ATSDR) recently provided updated PFAS information for clinicians. Maine CDC is currently reviewing these materials.
- **Strategy IV.H: Soil Exposure Study.** Maine CDC toxicologists have largely completed a modeling assessment to estimate soil PFAS levels that could result in significant exposure to farm workers engaged in activities likely to result in soil exposure. This modeling aims to assess the exposure pathways of most concern (e.g. incidental soil ingestion, dermal contact, inhalation of resuspended soil particles) and the major uncertainties with such modeling. The results of this effort will inform the design and conduct of a study of farmers and farm workers that will begin once the MOU between DACF and DHHS is in place.

## **V. ADDITIONAL NEEDS IDENTIFIED BY THE AGRICULTURAL COMMUNITY**

Access to the programs developed by the PFAS Fund is the most pressing need of the impacted agricultural community.

DACF, along with the PFAS Fund Advisory Committee and Subcommittee members, have undertaken a careful, deliberative process, as outlined in and required by its enabling legislation, to craft the 23 strategies contained in the PFAS Fund's implementation plan. Staff have taken further steps to ensure that regulatory obligations were satisfied, and administrative procedures were established prior to launching the first wave of assistance programs. Staff anticipates that the spring of 2024 will be a busy period of accepting and reviewing applications, and awarding financial assistance, as well

as initiating the process of purchasing PFAS-contaminated properties. Undoubtedly, lessons will be learned, and unanticipated needs will be recognized. The PFAS Fund will adjust as necessary to ensure that its objectives are fully met as efficiently as possible.

## **VI. WHAT FUNDS HAVE BEEN DISPERSED AND FOR WHAT PURPOSE?**

Public Law 2021, ch. 635, sec. XX-3 directed DACF to develop a plan and to seek public comments before finally adopting and then implementing that plan. By necessity, the implementation of a significant portion of the plan required DACF to engage in a rulemaking process that is expected to be completed in early March.

It is anticipated that the PFAS Fund will begin to spend money in earnest during the spring of 2024. To date, however, expenditures have been very modest. During Fiscal Year 2024, the PFAS Fund spent \$1,198 on things like public notices for the rulemaking proceedings, rental fees for a public hearing during the Agricultural Trades Show, and mileage reimbursements for PFAS Fund Advisory Committee members.

## **VII. ADVISORY COMMITTEE**

Per 7 M.R.S. § 320-L(1), the PFAS Fund Advisory Committee was established to make recommendations to DACF regarding the administration of the PFAS Fund. The members of the PFAS Fund Advisory Committee are:

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. Rebecca Boulos, Maine Public Health Association Executive Director

The PFAS Fund Advisory Committee is authorized to form working groups and to otherwise seek input from subject matter experts. Accordingly, the PFAS Fund Advisory Committee established four subcommittees to develop, analyze, and recommend strategies for financial and business support to commercial farmers, land transfers and management, research, and health.

Each subcommittee used the purposes identified in 7 M.R.S. § 320-K(4) as a starting point to develop their recommendations. For each concept moved forward, the subcommittees used a common template to identify the relevant statutory authority; describe the strategy; identify who would be eligible, who would benefit, and who would be disadvantaged; consider whether there was an

existing model, whether additional research or data was needed, how recipients would be identified, what sort of controls should be in place, a timeframe for implementation, whether there should be a time limit, and how the strategy might address issues of equity; and to estimate a budget. The subcommittees' recommendations were compiled into an initial draft of the implementation plan that was subsequently refined in consultation with the Advisory Committee and with input from the public. The members of the respective subcommittees are listed below.

#### Financial and Business Support Subcommittee

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

#### Land Transfers Subcommittee

1. Alex Redfield, DACF, co-chair
2. Sherry Hamel, USDA Farm Service Agency, co-chair
3. Jeff Baron, Farm Credit East
4. Steve Crane, Crane Bros. Farm
5. Sarah Demers / Jason Bulay, Land for Maine's Future
6. Emma Enoch, Coastal Enterprises Institute (CEI)
7. Nick Hodgkins, Maine DEP
8. Adam Nordell, Defend Our Health & Songbird Farm
9. Nancy Smith, GrowSmart
10. Brett Sykes, MFT

#### Research Subcommittee

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

#### Health Subcommittee

1. Isaac Benowitz, MD, Maine CDC, co-chair

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

The first half of 2023 was an intense period of activity for the PFAS Fund Advisory Committee and the subcommittees as they worked to develop the *Plan for Administration of the Fund to Address PFAS Contamination*. Meetings dates and purposes are listed below. Recordings of all Advisory Committee meetings are available on DACF's website, along with related documents (see <https://www.maine.gov/dacf/ag/pfas/pfas-fund.shtml>).

January 11, 2023	Advisory Committee public meeting during the Agricultural Trades Show to solicit public input on uses of the PFAS Fund.
1/23/23	<i>Health Subcommittee meeting to develop strategies</i>
1/23/23	<i>Research Subcommittee meeting to develop strategies</i>
1/30/23	<i>Financial and Business Subcommittee meeting to develop strategies</i>
1/30/23	<i>Land Transfer Subcommittee meeting to develop strategies</i>
February 13, 2023	Advisory Committee meeting to review the status of the subcommittees' work and to review the advisory committee's draft report to the Legislature.
2/6/23	<i>Health Subcommittee meeting to develop strategies</i>
2/7/23	<i>Research Subcommittee meeting to develop strategies</i>
2/10/23	<i>Financial and Business Subcommittee meeting to develop strategies</i>
2/21/23	<i>Research Subcommittee meeting to develop strategies</i>
2/24/23	<i>Financial and Business Subcommittee meeting to develop strategies</i>
2/27/23	<i>Health Subcommittee meeting to develop strategies</i>
2/28/23	<i>Land Transfer Subcommittee meeting to develop strategies</i>
3/10/23	<i>Financial and Business Subcommittee meeting to develop strategies</i>
3/13/23	<i>Health Subcommittee meeting to develop strategies</i>
3/16/23	<i>Land Transfer Subcommittee meeting to develop strategies</i>
3/27/23	<i>Health Subcommittee meeting to develop strategies</i>
3/31/23	<i>Financial and Business Subcommittee meeting to develop strategies</i>
4/4/23	<i>Research Subcommittee meeting to develop strategies</i>
4/10/23	<i>Health Subcommittee meeting to develop strategies</i>
4/13/23	<i>Land Transfer Subcommittee meeting to develop strategies</i>
4/14/23	<i>Financial and Business Subcommittee meeting to develop strategies</i>
4/24/23	<i>Health Subcommittee meeting to develop strategies</i>
4/25/23	<i>Research Subcommittee meeting to develop strategies</i>
4/27/23	<i>Land Transfer Subcommittee meeting to develop strategies</i>
May 1, 2023	Advisory Committee meeting to review and discuss the recommendations of the Financial and Business Support, Land, and Research Subcommittees.
5/8/23	<i>Health Subcommittee meeting to develop strategies</i>

May 10, 2023	Advisory Committee meeting to review and discuss the Health Subcommittee's recommendations and plan for the June 12, 2023, public meeting.
June 12, 2023	Advisory Committee public meeting to take comments on version 3 of the draft PFAS Fund implementation plan.
6/27/23	<i>Financial and Business Support Subcommittee meeting to consider public input and finalize recommendations</i>
6/27/23	<i>Research Subcommittee meeting to consider public input and finalize recommendations</i>
6/28/23	<i>Health Subcommittee meeting to consider public input and finalize recommendations</i>
6/28/23	<i>Land Transfer Subcommittee meeting to consider public input and finalize recommendations</i>
July 10, 2023	Advisory Committee meeting to review each of the 23 strategies as revised based on public input and contained in version 4 of the <i>Plan for Administration of the Fund to Address PFAS Contamination</i> . Some minor changes were made to improve clarity. Otherwise, each strategy was adopted unanimously.
December 4, 2023	Advisory Committee meeting during which DACF updated the committee on the status of the PFAS Fund. Also planned for the January 11, 2024, public meeting at the Agricultural Trades Show.
January 11, 2024	Advisory Committee public meeting at the Agricultural Trades Show to provide an overview of DACF's PFAS Response Program, the status of the PFAS Fund, and to solicit public input on research priorities.

### **VIII. RECOMMENDED LEGISLATION**

Per 7 M.R.S. § 320-L(3) the PFAS Fund Advisory Committee is required to hold at least 2 public hearings annually to seek input from the public on efforts to meet the purposes of the Fund. DACF respectfully requests that this statute be changed to require that the Advisory Committee hold at least one public meeting annually, as opposed to two public hearings.

Public hearings are generally understood to be conducted by an agency for the purpose of receiving public comments on an agency action (e.g., comments on a proposed rule). Such hearings are governed by the Maine Administrative Procedures Act (5 M.R.S. §§ 8001-11008). Public meetings, on the other hand, are governed by the provisions of Title 1, chapter 13, Public Records and Proceedings.

The Advisory Committee's enabling statute, 7 M.R.S. § 320-L(3), explicitly states that "[a]ll proceedings of the advisory committee are public proceedings within the meaning of Title 1, chapter 13, subchapter 1." Accordingly, the reference to public hearings is misplaced.

Now that the PFAS Fund is entering the implementation phase, the need for the PFAS Fund Advisory Committee to hold a minimum of two meetings annually to seek public input on efforts to meet the

purposes of the Fund is unnecessary. A single opportunity for the public to address the PFAS Fund Advisory Committee will likely be sufficient (e.g., during the annual Agricultural Trades Show). Furthermore, the PFAS Fund has demonstrated to date that it actively solicits input directly from the public without the Advisory Committee serving as an intermediary (e.g., the surveys regarding research priorities and mental health services). Also, whenever the PFAS Fund undertakes any official agency action, the public will have an opportunity to participate in a public hearing pursuant to the Maine Administrative Procedures Act.