



Eric Venturini, Executive Director

Testimony Opposed to LD 2019. Act To Require the Registration of Adjuvants in the State and To Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances.

Senator Dill, Representative O’Neil, and esteemed members of the Committee on Agriculture, Conservation, and Forestry, my name is Eric Venturini and I am the Executive Director of the Wild Blueberry Commission of Maine. On behalf of the Wild Blueberry Commission of Maine, I strive to represent the voice of Maine’s 485¹ wild blueberry farmers and businesses.

Clearly, PFAS and PFOA are a major concern for farms in Maine and across the country. Although we are unaware of any wild blueberry farms that have been impacted by PFAS contamination, the compound has clearly had disastrous impacts on some Maine farms. The Department of Agriculture, Conservation, and Forestry is working to meet the PFAS challenge head on. However, banning products before we understand their role, if any, in contamination of Maine soils, will do farmers more harm than good.

The US Environmental Protection Agency (EPA) is currently studying and is already acting on the potential of PFAS/PFOA in pesticides.

As a potentially national issue, this requires a national scale solution. A Maine led effort will, at present, put Maine ahead of the science, and will put Maine farmers under a regulatory burden that their competitors across the country are not under – putting Maine farmers at a competitive disadvantage.

What is the EPA doing to address this?

- PFAS in pesticides was noted when a fluorinated container leached PFAS into a pesticide used for mosquito control in Massachusetts. When the US EPA became aware of the problem, they took steps to correct it:
 - EPA started, and is now working with US agencies, industry, and trade organizations to raise awareness and discuss expectations of product stewardship.
 - The manufacturer voluntarily stopped shipments of all fluorinated HDPE containers, and is now using non-fluorinated containers
 - EPA is investigating and testing fluorinated containers to determine whether they contain or leach PFAS, and how. Their findings should be available soon.
 - EPA is encouraging industry to start exploring alternative packaging options.

We suggest the best process to move forward is to wait for the EPA to issue their findings, then ask the

¹ National Agricultural Statistics Service. 2017. Berries: 2017.
https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_2_County_Level/Maine/st23_2_0033_0033.pdf



Board of Pesticides Control to gather stakeholder input on the EPA's findings and its implications and report back recommendations to this committee. If Maine gets ahead of EPA's science and starts regulating, registrants will not modify their products just for Maine's market, and our farmers will suffer.

Under this bill, Maine could lose approximately 1/3 of currently registered pesticides

First, it is necessary to understand that an estimated loss of 1/3 of the *number* of registered pesticides in Maine will not decrease the *volume* of pesticides used. In fact, fewer tools in farmers' toolbox could *increase* pesticide use, *decrease* efficacy, and *increase* toxicity.

Integrated Pest Management relies on farmers' having access to a diverse set of tools, including pesticides, so that they can use the best possible tool for the pest, disease, or pathogen at hand. If we lose the best tool (e.g., least toxic to non-target pests, most effective on target pests), farmers will have to use less optimal tools, leading to increased volumes, decreased effectiveness, and potentially increased environmental toxicity.

For example, let's imagine that a farmer has set out traps across their field to monitor for the presence of a fly called SWD². They inspect their traps and find that the number SWD per trap is above the threshold for action recommended by University of Maine Extension. So, they pull out a pesticide that is targeted to that pest, has a minimal impact on pollinators, and they plan a perimeter spray around the edge of their field – a practice recommended by Extension to minimize pesticide use while maximizing effectiveness. Unfortunately, they realize that their targeted, low-impact pesticide has been banned for use in Maine because it happens to have been packaged in a fluorinated container. So, instead, they turn to an older chemical, with broad, non-target impacts, and spray that.

This is what you could see across Maine if this Committee reaches into growers' toolbox and removes 1/3 of their tools. Before taking such drastic action, let's see which PFAS/PFAO compounds are present, which are harmful, and what the alternatives are.

Clear Definition of PFAS/PFOA

The definition of PFAS and PFOA in any legislation should name only those compounds that are known to be harmful. This bill at least narrows the definition to compounds with 2 or more fully fluorinated carbon atoms. Better yet would be to first ask the question, which compounds are harmful, which need to be regulated? It's not a definition that we need. Any definition will either not capture all the harmful compounds or will overregulate by capturing too many. What we need is a list of those compounds that are harmful, and which are known to pass through to our food. Again, we need to wait for the EPA to establish the science. Anything short of that is just guesswork.

On behalf of the Wild Blueberry Commission of Maine, I question the need for this legislation at this time. Thank you for the opportunity to present this testimony.

² Drummond, F., J. Collins, and D. Yarborough. 2018. Spotted Wing Drosophila: Pest Biology and IPM Recommendations for Wild Blueberries. Fact Sheet No. 210.

<https://extension.umaine.edu/blueberries/factsheets/insects/210-spotted-wing-drosophila/>

