.

Maine Vegetable and Small Fruit Growers Association

**Spring 2022**

 **August 2005**

**2003**

**MVSFGA Briefs**

**MVSFGA Facebook Page & Website**

The Maine Vegetable and Small Fruit Growers Association Facebook page and website are now being managed by Tomi Ricker. Tomi has done a great job of updating it and keeping our online information current. Check it out, and remember to like our page. [www.MVSFGA.org](http://www.MVSFGA.org) is back and better than ever.

**Spring Twilight Meeting**

**Bell Farms 1552 Riverside Drive Auburn Me, 04210**

This year’s spring twilight meeting will be held at Bell Farm in Auburn Maine. The meeting will be on June 7th at 6pm. Bells Farm primarily grows potatoes, sweet corn, some grains and grain corn. They also grow some small vegetables for their retail stand. Their primary markets are wholesale outlets such as Wal-Mart, Market Basket and other local farms. Bell farm has one of the most sophisticated and efficient sweet corn packing lines in the state. The can harvest and pack 1300+ bags of corn per day. Their corn is harvested with a 4 row Oxbow harvester. They farm approximately 500+ acres. They have farmland in Lewiston, Auburn, and Durham on some beautiful sandy Androscoggin River bottom soil. Bell Farm has been in operation since 1937 and is family owned and operated. Ray and Dave Bell are the owners, they have several other family members that are a part of the operation.

**2021 LEGISLATION**

1. An Act Regarding the Statute of Limitations for Injuries or Harm resulting from Perfluoroalkyl and Polyfluoroalkyl Substances

On June 22, 2021, the Legislature enacted, and Governor Mills approved, a new statute of limitations for causes of actions arising out of harm or injury caused by a PFAS substance. Under the new statute of limitations, a plaintiff may bring suit within six years of the date the plaintiff discovers or reasonably should have discovered the harm or injury. See 14 M.R.S. § 752-F, enacted by P.L. 2021, c. 328.

2. An Act to Investigate Perfluoroalkyl and Polyfluroalkyl Substance Contamination of Land and Groundwater

On July 15, 2021, this budget bill became law without the Governor’s signature. It establishes the Land Application Contaminant Monitoring Fund, a revolving fund to test and monitor soil and groundwater for PFAS and other contaminants and for other related activities, such as mitigating contamination through the installation of drinking water filtration systems or other remedial actions. Investigation and response activities are to be funded through a handling fee assessed by the DEP on sludge or septage beginning January 1, 2022. Under the Act, the DEP must develop a program to evaluate soil and groundwater for PFAS substances where sludge or septage was land applied and to test landfill leachate, and beginning on January 15, 2023, DEP must submit a report to the Legislature regarding its use of the fund, including a summary of contamination investigated and identified. See 38 M.R.S. § 1310-B-1, et seq., enacted by P.L. 2021, c. 478.

3. An Act Regarding Uncontrolled Hazardous Substance Sites

Approved by Governor Mills on June 8, 2021, this legislation amended the definition of a hazardous substance under the Maine Uncontrolled Hazardous Substance Sites Law (Maine’s “Superfund”) to include any substance defined as a hazardous substance or pollutant or contaminant under the United States Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601. The legislation exempted from liability publicly owned treatment works and public water systems that contributed effluent or sewage sludge to an uncontrolled site. See 38 M.R.S. § 1362 and 1367-B, amended by P.L. 2021, c. 117.

4. An Act to Restrict the Use of Perfluoroalkyl and Polyfluoroalkyl Substances in Firefighting Foam

On July 9, 2021, Governor Mills approved this legislation restricting the discharge, manufacture, sale, and distribution of firefighting or fire-suppressing foam to which PFAS have been intentionally added, except in certain limited exceptions, beginning on January 1, 2022. The legislation also requires that a person discharges any such foam to report the discharge to the DEP within 24 hours after the discharge. See 38 M.R.S. § 424-C, enacted by P.L. 2021, c. 449.

5. An Act to Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution

This legislation became law on July 15, 2021, without the Governor’s signature. Beginning on January 1, 2023, manufacturers of products for sale in Maine that contain intentionally-added PFAS must provide notice to DEP certain information about the product, including the amount and type of PFAS in the product. Effective January 1, 2023, no carpet, rug, or fabric treatment with intentionally-added PFAS may be sold in Maine. As of January 1, 2030, no product with intentionally-added PFAS may be sold in Maine unless the DEP determines that the PFAS is a currently unavoidable use. See 38 MR.S. § 1612, et seq., enacted by P.L. 2021, c. 477.

6. Resolve, Directing the Board of Pesticides Control to Gather Information Related to Perfluoroalkyl and Polyfluoroalkyl Substances in the States

Approved by Governor Mills on June 21, 2021, this legislation requires the Board of Pesticides Control to require manufacturers and distributors of registered pesticides to report whether the product has been stored, distributed, or packaged in a fluorinated high-density polyethylene container and whether a PFAS substance is in the formulation of the registered pesticide. See P.L. 2021, c. 83.

There is also a bill LD 2013 fund to support farmers affected by PFAS contamination. This is a bill for the 2022-23 state budget for 100 million in funding. A coalition of groups is working to build support for a $100 million state fund to support farmers affected by PFAS contamination. Impacted farms are facing dire financial conditions and need immediate support. The fund would be administered by an advisory panel and could be used to cover income replacement, health monitoring and research and help farmers to invest in alternative infrastructure or explore alternative business models to stay in business or farm buyouts when needed.

**PFAS Overview**

PFAS refer to a group of man-made chemicals known as Per- and Polyfluoroalkyl Substances. There are thousands of varieties of these chemicals including the six PFAS chemicals:

Perfluorooctanoic acid (PFOA)

Perfluorooctanesulfonate (PFOS)

Perfluorononanoic acid (PFNA)

Perfluorohexanesulfonic acid (PFxHS)

Perfluoroheptanoic acid (PFHpA)

Perfluorodecanoic acid (PFDA)

As early as the 1940's, PFAS (mostly PFOA and PFOS earlier on) became widely used in household products and industrial settings. These chemicals were also historically used in firefighting foams due to their effectiveness at quickly extinguishing petroleum-based fires. Because they have a unique ability to repel oil, grease, water and heat, PFAS are used in many common products that we use regularly. For example, they have been used to make non-stick cookware, stain-resistant carpets and furniture, water-resistant clothing, heat-resistant paper/cardboard food packaging (like microwave popcorn and pizza boxes), and some personal care products. PFAS break down very slowly and are persistent in the environment. This means that PFAS may build up in people, animals, and the environment over time. Health agencies are working to understand more about the health effects of low level, long-term exposure.

In Maine there are many places that PFAS have been found from many different sources. Primarily agricultural sites, drinking water supplies, surface waters, landfills, wastewater, sludge and septage spreading sites, and remediation and cleanup sites. For the purposes of this newsletter, we will focus on the agricultural sites and where the sludge comes from. Sludge is a solid, semi-solid, or liquid waste generated from a wastewater treatment process as well as from dewatered septage. Wastewater is used water that can include substances such as domestic, commercial, and industrial waste; food scraps; fats, oils, and grease; soaps; and chemicals and can be generated by households, businesses, and industry. Wastewater treatment systems treat this used water so that it can be recycled back into the environment. Sludge is a byproduct that has been spread for decades on agricultural land to supplement farmland with nutrients. The sludge comes out as a nice, composted material that is nutrient rich and has been inexpensive to use as a supplement on farmland.

**For More Information**

 EPA’s Drinking Water Health Advisories for PFOA and PFOS can be found at: https://www.epa.gov/

ground-water-and-drinking-water/drinking-water-health-advisories-pfoa-and-pfos

 PFOA and PFOS data collected under EPA’s Unregulated Contaminant Monitoring Rule are available:

https://www.epa.gov/dwucmr/occurrence-data-unregulated-con taminant-monitoring-rule

 EPA’s stewardship program for PFAS related to TSCA: https://www.epa.gov/assessing-and-managingchemicals-under-tsca/and -polyfluoroalkyl-substances-pfass-under-tsca

 EPA’s research activities on PFASs can be found at: http://www.epa.gov/chemical-research/

perfluorinated-chemical-pfc-research

 The Agency for Toxic Substances and Disease Registry’s Perflourinated Chemicals and Your Health

webpage at: <http://www.atsdr.cdc.gov/PFC/>

Resolve 2021, Chapter 82 (Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants)

**PFAS Mapper:**

PFAS have been highlighted lately on the local news, and customers have been asking their farmers about them. Here is a link to a map that shows land where PFAS were once used. It may be helpful to have a hard copy of this map to help answer customer questions.

https://maine.maps.arcgis.com/apps/webappviewer/index.html?id=815b4093464c405daf7a17e43a1d9da7



**Grant Opportunity**

A new grant opportunity for energy efficiency for Maine’s vegetable and fruit growers. Farming can be an energy intensive process. With electricity and heating costs soaring, now is an important time to consider how to reduce energy use and improve efficiency. Southern Maine Planning and Development Commission (SMPDC) is a non-profit planning and economic development agency. We manage a grant program to provide low-cost energy audits to agricultural producers and small businesses in southern Maine (through the USDA Rural Energy for America Program). I’ve attached a flyer for the program for reference. SMPDC provides grants to cover 75% of the cost of an energy audit, an energy assessment and plan with step-by-step suggestions on how to save energy and money, now and in the future. SMPDC energy audit grants are first come, first served and do not require an application.

 In addition to identifying low-cost measures for reducing energy use, an energy audit can be used to apply for USDA Rural Energy for America Program (REAP) grants and loans. For example, we are conducting an energy audit for a small grocery store to apply for a grant to replace a large walk in freezer.

If you think this might be of interest to the members of the Maine Vegetable and Small Fruit Growers Association, I would be very grateful if you could share our program in an upcoming newsletter or on social media. I am happy to pull together a blurb or social media graphic. Please do not hesitate to reach out to me at kgraeter@smpdc.org or 207-571-7065. More information can also be found at <https://smpdc.org/energyaudit>.

**Farm Labor Guidelines Workshop**

Orono, Maine — The University of Maine Cooperative Extension will host an online discussion on Farm Labor Guidelines on April 19 and 21.

 These two programs will be led by Brian Cleasby from the U.S. Department of Labor's Wage and Hour Division (WHD). The April 19 session will focus on the requirements of the H-2A program. The program will cover key considerations to avoid common wage, disclosure, housing, transportation and recordkeeping-related violations at worksites where H-2A workers are employed. Links to WHD H-2A, Fair Labor Standards Act, Migrant and Seasonal Agricultural Workers Protection Act and Occupational Safety and Health Administration (OSHA) Field Sanitation compliance assistance resources will be shared during the webinar.

The April 21 session will cover the Fair Labor Standards Act (FLSA). Key topics will include avoiding common overtime, child labor and recordkeeping-related violations in agricultural settings. The presentation will cover basic compliance principles under the act, including coverage, exemptions, minimum wage, overtime, recordkeeping and child labor requirements. A question-and- answer period will follow both presentations.

More information, including dates and registration links, is available online. To request a reasonable accommodation, contact Jason Lilley, 207.781.6099; Extension.agcumberland@maine.edu.

**New Board Members**

We are looking to fill two board seats. One seat is for one year and the other is a two year seat. This is a great opportunity to give back to the ag community of Maine. We meet usually four times per year. As I am sure you know we are responsible for putting on the Maine Agricultural Trade Show. Keeping farmers informed on what is going on in Augusta as far as new and upcoming legislation. We also put on the spring and fall twilight meetings. This is an opportunity to be involved with likeminded people and create relationships that go far beyond working together on the board. It is also a great way to make personal relationships with the folks from Maine Cooperative Extension, which are a huge asset to growers. Mark Hutton and David Hadley are at most of the meetings and give great insight on what is happening in our industry. If there is anyone that would like to volunteer for the board seats, please contact either Matt Manson mmanson686@gmail.com or Pete Karonis fairwindsfarm08@gmail.com of the nominating committee.

**Membership**

If you haven't joined for this year, please mail this membership form:

https://www.mvsfga.org/\_files/ugd/193629\_143f74a58dbf49f0b7841d370a82bdc8.pdf

along with a check for $50 to:

 Bill Jordan

 21 Wells Road

 Cape Elizabeth, ME 04107

By paying your dues, you will be mailed a copy of the New England Small Fruit Management Guide, you will receive our newsletters, and you will be invited to our Spring and Fall Twilight meetings.

**Many Thanks to our Business Members:**

**Brookdale Farm** <http://www.brookdalefruitfarm.com/>
**Harris Seeds                      tlewandowski@harrisseeds.com**
**Nourse Farms** [https://www.noursefarms.com/](https://MVSFGA.us18.list-manage.com/track/click?u=c80916ba2c1c7cc0d6f769b52&id=289bd75e0a&e=33eb49a6b5)
**Nutrien Ag Solutions          brain.mccleary@nutrien.com**
**Vermont Compost** <https://www.vermontcompost.com/>

**Paris Farmer Union** timdonovan.pfu@gmail.com

**Northeast Ag Sales**

**Seedway** lauchlin54@gmail.com

**Winslow Agriculture Consultants** alvin.winslow@gmail.com

**Swamp Yankee Crop Consulting pumpkinpaul1@aol.com**

**Paul W. Peters**

**MVSFGA**

MVSFGA is an association of vegetable and small fruit growers dedicated to the promotion and advocacy of the vegetable and small fruit industry in Maine. MVSFGA supports research education, and promotion and political advocacy. The association has provided important testimony at legislative hearings on such issues as pesticide regulation, labor, IPM, farmland preservation and technology transfer.

MVSFGA members receive the annual New England Vegetable Production Guide, and the New England Small Fruit Production Guide. Members also receive the association newsletter. To become a member of the MVSFGA please write to; William Jordan Jr. Treasurer, 21 Wells Road, Cape Elizabeth, Maine 04107,

email: whjjr30@aol.com

MVSFGA Directors are: Paul Peters (President), Tom Stevenson (vice-president), William Jordan (Treasurer), Tomi Ricker (secretary), Lisa Turner, Justin Gray, Bill Bamford, Matthew Manson, Pete Karonis.