

Maine Lawmakers Introduce First-Ever Bill to Limit PFAS in Food

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While several states, including [Minnesota](#), [Rhode Island](#), and [Maine](#), have moved to ban per- and polyfluoroalkyl substances (PFAS) in cookware products, no state has yet established specific limits for PFAS levels in food. This could change soon, as Maine lawmakers—who enacted one of the [first state-level PFAS prohibitions](#) in consumer products in 2021—have introduced a bill that, if passed, would make Maine the first state to establish PFAS limits in food.

Introduced earlier this year, [SB130](#), titled *An Act to Establish the PFAS Response Program and to Modify the Fund To Address PFAS Contamination* (the Act), directs Maine’s Department of Agriculture, Conservation and Forestry (DACF) to establish and codify maximum PFAS levels in food. The Act was introduced by Sen. Henry Ingwersen, asserting in a [press release](#) that Maine’s farms “have been hit the hardest when it comes to the PFAS contamination crisis.” The Act would, among other things, codify portions of DACF’s existing [PFAS Response Program](#) into law.

Specifically, DACF would work alongside Maine’s Department of Health and Human Services (MHHS) and the Maine Center for Disease Control & Prevention (MCDC) to establish “maximum levels for PFAS in farm products.” The Act defines a “farm product” as “those plants and animals useful to humans and includes, but is not limited to, forages and sod crops, grains and food crops, dairy products, poultry and poultry products, bees, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses, Christmas trees and other similar products.”

Under the Act, exceedance of these maximum levels would trigger a prohibition on sale of the product affected and require the producer to incorporate on-farm mitigation efforts “as a prerequisite for any future authorization from the department to resume commercial sale of the product affected.”

The Act also directs DACF to provide testing support, “including conducting initial sampling and ongoing monitoring, to assist agricultural producers in understanding the extent of PFAS contamination on their commercial farms.” Testing may include but is not limited to “testing of groundwater, surface water, soil, animal tissue, animal blood and serum, plant tissue, animal feed, eggs, milk, manure and compost.”

Maine’s 2021 PFAS legislation, despite being [heavily modified and delayed in light of timing, cost, and implementation concerns](#), has generally served as a framework that many other states have adopted as they try to enact legislation limiting PFAS in consumer goods. Indeed, Maine’s reporting requirements, notification procedures, “currently unavoidable use” exceptions, and phase-out system have been replicated in states like [California](#), [Maine](#), [New York](#), [Colorado](#), [Minnesota](#), [Washington](#), and [Rhode Island](#).

Now, again, Maine can potentially set a new PFAS standard should it finalize [SB130](#) as drafted. While some states (like [Michigan](#)) have introduced programs that test for PFAS on potentially contaminated sites, and other states (like [New York](#)) have regulations that require remediation of sites contaminated with PFAS (akin to what the [federal government tried to initiate under the Biden Administration](#)), none as yet have set limits on the presence of PFAS in crops.

A wide range of groups -- including farmers, environmentalists, research organizations, environmental remediation companies, and citizens -- were supportive of the proposed bill at a [February 6 public hearing](#). In light of Maine's status as a first-mover in PFAS legislation, the prospects for passage of the bill appears strong.