

**Congress of the United States**  
**Washington, DC 20515**

March 14, 2022

The Honorable Thomas J. Vilsack  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Washington, DC 20250

Dear Secretary Vilsack:

The state of Maine has been at the forefront of efforts to identify and address contamination from per- and polyfluoroalkyl substances (PFAS), which are known to be harmful to human health. Unfortunately, these forever chemicals are increasingly being found in soil, water, animal feed, crops, and livestock on Maine's farms. In light of this, we ask that you swiftly and fully utilize all U.S. Department of Agriculture (USDA) resources and authorities that can assist in responding to this situation.

Maine is not the only state where PFAS contamination has been identified in agricultural products. However, because of the state's proactive approach to this problem, Maine farmers are being uniquely and disproportionately impacted. There are currently no federal standards for PFAS in food, but Maine is the first—and so far, only—state to establish PFAS tolerance levels for milk and beef. Several Maine farmers who do not have state-defined standards for their products have also recently made the difficult decision to voluntarily remove their products from the market in order to protect their communities.

We cannot overstate how devastating this situation is for the affected farmers and their families. In addition to extreme financial hardship, they are also facing the potential health risks associated with being exposed to these forever chemicals. While the state is dedicating resources to assist with testing costs, water filtration, and some level of indemnification for affected farms, these resources are not sufficient to make these farmers whole. These farmers are looking for immediate income replacement while they are unable to sell their products, in addition to longer-term supports to help them recover. However, the federal support provided by USDA programs is currently very limited.

We request that the USDA fully utilize all existing programs and authorities to provide additional assistance to farms affected by PFAS contamination. This should include, but not be limited to:

*Dairy Indemnity Payment Program (DIPP):* We appreciate the recent changes to the Dairy Indemnity Payment Program (DIPP) to provide an option for dairy producers to receive indemnities for the value of contaminated cows. We ask that you swiftly implement these changes and provide as much flexibility as possible for case-by-case extensions so that farmers have sufficient time to make the best decision for their individual circumstances. We also ask that you examine DIPP's indemnity payment rates to ensure that organic producers are compensated fairly by the program.

*Emergency Assistance for Livestock, Honey Bees, and Farm-raised Fish (ELAP):* ELAP is statutorily authorized to provide financial assistance to eligible producers of livestock, honeybees, and farm-raised fish for losses due to “other conditions,” as determined by the Secretary, in addition to adverse weather and disease. We ask that USDA explore using ELAP to cover PFAS-related livestock losses that cannot be addressed through DIPP, such as indemnifying contaminated beef cattle, swine, poultry, etc. and providing financial assistance for the costs of bringing in clean feed and water for livestock.

*Farm Service Agency (FSA) Loans:* We understand that FSA has temporarily suspended past-due debt collections and foreclosures for distressed direct borrowers and provided other flexibilities during the COVID-19 public health emergency. We ask that FSA provide the maximum flexibility possible to borrowers impacted by PFAS contamination to defer, restructure, or forgive their debt as appropriate. Additionally, we ask that FSA work to avoid PFAS indemnity payments being diverted to repay FSA liens instead of helping to replace a farmer’s lost income.

*Environmental Quality Incentives Program (EQIP):* We appreciate that the Natural Resources Conservation Service (NRCS) is using EQIP’s Emergency Animal Mortality Management standard to assist producers in safely removing and disposing of PFAS-contaminated livestock. NRCS should also provide technical and financial assistance to livestock producers regarding nutrient and manure management when PFAS contamination is a concern. We also ask that NRCS also fully utilize existing conservation practice standards for soil testing to assist producers with soil testing for PFAS, which can cost several hundred dollars per test. While there is currently very limited scientific evidence to inform best practices to remediate PFAS in soil, we also request that NRCS act promptly to develop and implement a conservation practice standard to implement these methods should scientific evidence support them in the future.

*Conservation Reserve Program (CRP):* We request that FSA and NRCS explore using CRP to enroll PFAS-contaminated farmland that may not be suitable for further agricultural production. This could provide affected producers with rental payments and cost-share assistance for installing conservation practices, helping them to recoup some of their lost income while providing environmental benefits. Due to higher costs in Maine, we also ask that you consider a higher rental payment rate for PFAS-impacted land to ensure this is a workable option for impacted producers.

*Farm and Ranch Stress Assistance Network (FRSAN) Program:* FRSAN funds are currently supporting PFAS response efforts in Maine. Given the extreme financial and emotional burden of PFAS contamination on affected producers, we ask that USDA prioritize future FRSAN funding to applicants who will use this program to target assistance to support producers in this devastating situation.

*Additional Research Efforts:* Though there is some evidence regarding which crops may be more or less prone to take up PFAS from soil, there are still significant knowledge gaps related to PFAS and its impacts on agriculture. We ask that USDA’s research agencies further investigate PFAS movement in soils and water, plant uptake, remediation options, and livestock feed amendments that might tie up PFAS in livestock rations. Additionally, there is currently no coordinated effort to compile existing PFAS-related research and disseminate it to farmers. We ask that USDA’s research agencies and the Cooperative Extension System coordinate to ensure that farmers can develop a response to this challenging situation that is based on the best available science.

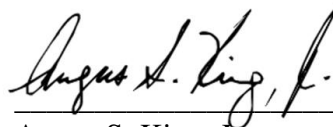
*Federal Coordination:* USDA is not the only federal department with an important role in addressing this issue. We ask that you also work closely with the Food and Drug Administration (FDA), Environmental Protection Agency (EPA), and other federal partners to develop a comprehensive federal response to prevent, identify, and address PFAS contamination on farms and in food.

Thank you for your consideration of these requests. We look forward to continuing to work with you to support America's farmers and the safety of our food supply.

Sincerely,



Susan M. Collins  
United States Senator



Angus S. King, Jr.  
United States Senator



Chellie Pingree  
Member of Congress



Jared F. Golden  
Member of Congress