



Maine Forest Products Council

The voice of Maine's forest economy

Testimony Neither for Nor Against LD 1621

“An Act Regarding Environmental Justice”

April 24, 2023

Patrick Strauch, Executive Director

Senator Brenner, Representative Gramlich and members of the Committee on Environment and Natural Resources, I'm Patrick Strauch of Exeter and I'm here before you today to testify on behalf of the Maine Forest Products Council neither for nor against LD 1621, “An Act Regarding Environmental Justice.”

As drafted, LD 1621 would require “fair and equitable access” to the Department of Environmental Protection’s decision-making process for certain populations that are deemed “environmental justice populations” and “frontline communities” with funds set aside for four new department positions and to reimburse certain citizens for travel expenses, facility rentals and meeting expenses. While the Council agrees wholeheartedly that all populations should have equal access to DEP’s regulatory process, we have concerns with some provisions included within this bill.

While reviewing this legislation, please consider the following:

- As currently written, the legislation does not suggest evaluating policies and procedures in place at the State and Federal level (EPA) so that Maine’s compliance with Environmental Justice standards could be measured and goals established. Much of the emphasis by EPA is focused on education and outreach programs that are important first steps in building awareness and understanding of EJ principles. As the decision makers, it would be inappropriate for the DEP to also fill the role of advocate for any participant in a regulatory proceeding. There is a fine line between facilitating access and advocacy in a proceeding. We need to ensure that the department maintains its role as unbiased decision maker.
- If the committee wants to facilitate access and advocacy for environmental justice communities, it should consider ways to provide resources to environmental justice populations that do not potentially conflict with the department’s regulatory role.
- The regulatory framework in Maine is strict and focuses on outcomes that protect all Mainers and recognize important communities as well. An example would be the process that took place just a few years ago with DEP, the Tribes and industry

representatives that resulted in the most restrictive fish consumption rates in the nation for waterways that were identified as important to sustaining Tribal nations.

Companies represented on the MFPC Board

A & A Brochu Logging
American Forest Mgmt.
Baskahegan Co.
BBC Land, LLC
Columbia Forest Prod.
Cross Insurance
Family Forestry
Farm Credit East
Fontaine Inc.
H.C. Haynes
Huber Resources
INRS
J.D. Irving
Katahdin Forest Mgmt.
Key Bank
Kennebec Lumber
LandVest Inc.
Louisiana Pacific
Maibec Logging
ND Paper
Nicols Brothers
Pingree Associates
Prentiss & Carlisle
ReEnergy
Richard Wing & Son
Robbins Lumber
Sappi North America
Southern Maine Forestry
Stead Timberlands
St. Croix Tissue
St. Croix Chipping
TD Bank
Timber Resource Group
Timberstate G.
Wadsworth Woodlands
Wagner Forest Mgt.
Weyerhaeuser
Woodland Pulp

- Since the pandemic, the DEP, the Legislature and other state agencies have made available more ways to participate in proceedings through digital platforms such as Zoom. This has allowed for people far beyond the borders of our state, and even from across the globe, to participate in the rulemaking process. The state could ensure that the environmental justice populations can access these platforms.
- This legislation contains some broad definitions that are concerning. What are the “negative environmental consequences” outlined under “Fair treatment”? Environmental requirements are designed to meet environmental and health criteria for all Maine citizens regardless of where a mill is situated in the state. If a mill fails to demonstrate compliance, its licenses would be revoked.
- The definition of “frontline communities” means “those people and communities that experience the consequences of climate change first and to a greater degree than other people in Maine communities.” To us, it is unclear which Maine communities experience more of an impact than others. Are we considering how climate change impacts industrial activities here in Maine? With sea levels rising, does this mean affluent coastal towns are “frontline communities” that deserve preferential treatment over Maine’s more economically stressed communities? More work needs to be done to clarify this definition.

In closing, the Council’s membership has deep roots in rural Maine that supports our \$8.1 billion industry, and in turn, we provide more than 33,500 jobs and an \$1.8 billion annual payroll. One out of every 24 jobs in Maine are linked to the forest products industry, and many of those jobs are in the very underserved communities that would, in theory, be served by this legislation. When our mills close, there is a real impact on the people who live in rural Maine. When we thrive, our communities thrive and when our communities thrive, we do too. Our past and future are intricately linked to all the people of Maine.

Thank you for your consideration. I would be happy to answer any questions you may have at the work session.