

01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY

001 FUND TO ADDRESS PFAS CONTAMINATION

Chapter 406: COMPETITIVE RESEARCH GRANTS

SUMMARY: The 130th Legislature authorized a Fund to Address PFAS Contamination (7 M.R.S.A., Chapter 10-D). Permissible uses include support for research that informs short-term farm management decisions and assesses future options for viable uses of agricultural land that has been contaminated with PFAS. Consistent with the legislatively mandated PFAS Fund Implementation Plan, these rules establish the procedures for a competitive research grant program, including the role of the proposal review panel, criteria for granting awards consistent with the purpose of the legislation, appeals, and other administrative procedures not specified in legislation.

§ 1. OVERVIEW

The Department of Agriculture, Conservation and Forestry (DACF) hereby establishes the rules for a competitive grant program to fund research that will help commercial farmers make informed decisions about how to utilize agricultural property that has been impacted by perfluoroalkyl and polyfluoroalkyl substances (PFAS).

§ 2. CONSISTENT WITH STATUTE

All terms used in this Chapter shall be defined as indicated in Title 7 M.R.S.A, Chapter 10-B unless specifically provided herein.

§ 3. DEFINITIONS

1. “Open file format” means a file format for storing digital data, defined by a published specification usually maintained by a standards organization, and which can be used and implemented by anyone with access to a computer.
2. “Open-access journal” means an academic journal that provides free online access to peer-reviewed articles.
3. “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” has the same meaning as in Title 32, section 1732, subsection 5-A.

§ 4. FUNDING

The Fund to Address PFAS Contamination (PFAS Fund) is funded by an appropriation from State general funds as provided by Maine Public Laws, 2021, Chapter 635, and any subsequent appropriations, and, whenever possible, any additional funding that may be available from other sources.

§ 5. RESEARCH ADVISORY PANEL

1. **Responsibilities.** A research advisory panel will be established by the Commissioner of DACF to:

- a. recommend research priorities for each round of grant funding,
 - b. based on those priorities, identify desired areas of expertise for peer reviewers,
 - c. propose peer review strategies that assure an absence of conflicts of interest, and
 - d. help identify qualified peer reviewers.
2. The research advisory panel will consist of:
 - a. The Commissioner or the Commissioner's designee;
 - b. The Commissioner of the Department of Environmental Protection or the Commissioner's designee;
 - c. The Commissioner of the Department of Health and Human Services or the Commissioner's designee;
 - d. The President of the University of Maine or the President's designee,
 - e. One member of the public with expertise in agriculturally-related PFAS science; and
 - f. Two members of the public representing the agricultural sector, appointed by the Commissioner.
 3. **Terms.** The members of the public appointed by the Commissioner serve on the research advisory panel for terms of 3 years. Notwithstanding the previous sentence, the Commissioner shall appoint initial public members to the proposal review panel as follows: 1 member of the public for a 2-year term, and 1 member of the public for a 3-year term.
 4. **Recusal.** Members of the research advisory panel must disclose any real or perceived conflicts of interest and recuse themselves from voting on any matters in which they have a real or perceived conflict of interest.
 5. **Compensation.** Public members of the research advisory panel will be entitled to reimbursement of expenses in accordance with 5 M.R.S.A. § 12002-D when funding is available and prior approval is received from the PFAS Fund director.

§ 6. SOLICITATION AND AWARD PROCEDURES

1. While funds remain available, DACF may solicit proposals at any time during the fiscal year but shall solicit proposals at least once per year through fiscal year 2026.
2. DACF will issue a Request for Applications (RFA) to solicit grant applications. DACF will identify research priorities in the RFA. All research proposals must be submitted in the form and in accordance with the terms directed by DACF in the RFA.
3. The peer reviewers identified through the process described in Section 5 shall evaluate and score proposals, based on selection criteria contained in Section 7. Peer reviewers shall document each proposal's score and substantive information that supports the score.
4. Final decision-making authority for awarding grants rests with the Commissioner, based upon the grant criteria set forth in Section 7 and the recommendations of the peer reviewers.
5. DACF will send a written notification of a grant award to a selected applicant.
6. If an applicant is not selected, DACF will send the applicant a written notice of its decision. Such notice will include documentation of the review panel's final score for the applicant. Appeals will be decided by DACF in accordance with the procedures outlined in Section 9 below.

7. DACF reserves the right to cap the amount of funding for all requests based on available resources.

§ 7. SELECTION CRITERIA

All research proposals seeking funding from the PFAS Fund will be evaluated according to the following criteria.

1. **Research priority.** If a research priority area has been designated by the Commissioner and the proposal relates directly, the project will score higher. 10 points.
2. **Identification of Need, Opportunity, Justification.** Projects must have potential importance and benefits, including economic, for the Maine agricultural community. Proposals will score higher if they meet the needs of farmers impacted by PFAS contamination. 30 points.
3. **Deliverables.** Project deliverables should be clearly stated. A plan to distribute research results must be specified. Proposals that include an intention to publish results in an open access journal will score higher. 15 points.
4. **Project Methodology and Schedule.** The methodology must be clear and scientifically valid, and the project timetable realistic. 20 points.
5. **Project Management.** Proposals must be consistent with the qualifications and abilities of the persons involved. Proposals that include collaborations with multiple institutions, farmers, and/or agricultural service providers will score higher. Proposals for projects conducted within the State of Maine or by Maine-based institutions will score higher. 15 points.
6. **Budget.** Proposals must be able to show clear and realistic descriptions of how the funds will be allocated. Permissible budget items include compensation to farmers for plot rental and plot maintenance, as well as publication fees for open-access journals. Projects will score higher if they leverage funding from other sources. 10 points.

§ 8. AWARDEE OBLIGATIONS

As a condition of accepting grant funding, applicants must agree to abide by the terms of the RFA and:

1. Provide their raw data to DACF in an open file format, and
2. Provide copies of any publications resulting from the research grant to DACF.

§ 9. RIGHT TO APPEAL

1. If an application is denied, DACF must send the applicant a written notice of its decision. Such notice must include an explanation of why the application was denied.
2. Upon receipt of such notice, an unsuccessful applicant may appeal to DACF. The notice of appeal must be in writing, signed by the applicant, and received by DACF within 15 days of receipt of the denial notice.
3. Within 90 days of the receipt of a written request for appeal, DACF will either grant the appeal or schedule a hearing.

4. Appeal hearings will be held before a DACF hearing officer who has been designated by the Commissioner of the DACF. The hearing officer will make a recommended decision. Final decisions on the appeal will be made by the Commissioner after a review of the record.
5. Appeal hearings will be held in accordance with the adjudicatory proceedings provisions of the Maine Administrative Procedures Act, 5 M.R.S.A. §§ 9051-64.
6. Final decisions will be in writing and contain notice of a right to petition the Superior Court for judicial review.

§ 10. WAIVER

Upon the request of any person subject to this Chapter or upon its own motion, the PFAS Fund may, for good cause, request waiver of any requirement of this Chapter that is not required by statute. The waiver may not be inconsistent with the purposes of this Chapter or Title 7, Chapter 10-D. The Commissioner of DACF may grant the waiver in extenuating circumstances.