



132nd MAINE LEGISLATURE

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Legislative Document

No. 1903

S.P. 744

In Senate, May 6, 2025

An Act to Conform the State's Perfluoroalkyl and Polyfluoroalkyl Substances Laws to Federal Standards

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in black ink, appearing to read "D M Grant", is positioned above the printed name of the Secretary of the Senate.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator TIMBERLAKE of Androscoggin.
Cosponsored by Representative FAULKINGHAM of Winter Harbor and
Senators: BERNARD of Aroostook, FARRIN of Somerset, MOORE of Washington,
STEWART of Aroostook, Representatives: BABIN of Fort Fairfield, DAIGLE of Fort Kent.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 7 MRSA §320-K, sub-§1, ¶C-1** is enacted to read:

3 C-1. "Contaminated by PFAS" or "PFAS contamination" means:

4 (1) For perfluorooctane sulfonic acid, the presence of perfluorooctane sulfonic
5 acid in an amount exceeding a soil concentration level of 0.13 milligrams per
6 kilogram;

7 (2) For perfluorooctanoic acid, the presence of perfluorooctanoic acid in an
8 amount exceeding a soil concentration level of 0.19 milligrams per kilogram; and

9 (3) For any PFAS other than those listed in subparagraphs (1) and (2), the presence
10 of such PFAS in an amount exceeding a soil concentration level contained in
11 guidance promulgated by the United States Environmental Protection Agency.

12 **Sec. 2. 22 MRSA §2611, sub-§1-A** is enacted to read:

13 **1-A. Maximum contaminant levels for certain perfluoroalkyl and polyfluoroalkyl**
14 **substances.** The primary drinking water rules adopted and enforced by the commissioner
15 pursuant to subsection 1 must specify for the following perfluoroalkyl and polyfluoroalkyl
16 substances a maximum contaminant level equivalent to the national primary drinking water
17 regulations, 40 Code of Federal Regulations, Part 141, adopted by the United States
18 Environmental Protection Agency in April 2024:

19 A. Perfluorooctanoic acid, also known as PFOA;

20 B. Perfluorohexane sulfonic acid, also known as PFHxS;

21 C. Perfluorooctane sulfonic acid, also known as PFOS;

22 D. Perfluorononanoic acid, also known as PFNA;

23 E. Hexafluoropropylene oxide dimer acid, also known as HFPO-DA; and

24 F. Mixtures containing 2 or more of the following: PFHxS, PFNA, HFPO-DA and
25 perfluorobutane sulfonic acid, also known as PFBS.

26 **Sec. 3. 32 MRSA §1733, sub-§3-B,** as enacted by PL 2019, c. 277, §3, is amended
27 to read:

28 **3-B. Prohibition of sale of food package containing PFAS.** In accordance with the
29 requirements of this subsection, except as otherwise provided, the department may by rule
30 prohibit a manufacturer, supplier or distributor from offering for sale or for promotional
31 purposes in the State a food package to which PFAS have been intentionally introduced in
32 any amount greater than an incidental presence.

33 A. The department may not by rule prohibit the sale of a food package to which PFAS
34 have been intentionally introduced in any amount greater than an incidental presence
35 under this subsection unless the department has determined that a safer alternative to
36 the use of PFAS in a specific application of PFAS to a food package is available. To
37 determine that a safer alternative is available, the department must find that a safer
38 alternative is readily available in sufficient quantity and at a comparable cost and that
39 the safer alternative performs as well as or better than PFAS in a specific application
40 of PFAS to a food package.

1 B. If the department determines pursuant to paragraph A that a safer alternative to the
2 use of PFAS in a specific application of PFAS to a food package is available, the
3 department shall by rule prohibit the sale of a food package to which PFAS have been
4 intentionally introduced in any amount greater than an incidental presence under this
5 subsection, except that such a prohibition may not take effect until January 1, 2022 or
6 2 years following the date on which the department determines that a safer alternative
7 is available, whichever is later.

8 The prohibition in this subsection does not prevent a manufacturer that is located in the
9 State from offering for sale or for promotional purposes outside the State a food package
10 to which PFAS have been intentionally introduced in any amount greater than an incidental
11 presence.

12 Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5,
13 chapter 375, subchapter 2-A.

14 Federal law or regulation regulating the sale of a food package to which PFAS have been
15 intentionally added preempts state authority under this subsection.

16 **Sec. 4. 38 MRSA §420, sub-§2, ¶C-1** is enacted to read:

17 C-1. If surface water quality standards for PFAS are established pursuant to federal
18 law, including the Federal Water Pollution Control Act, Public Law 92-500, Section
19 304(a), as amended, the department shall adopt rules for surface water quality standards
20 to match the federal water quality standards. For the purposes of this paragraph,
21 "PFAS" has the same meaning as in section 1614, subsection 1, paragraph F.

22 **Sec. 5. 38 MRSA §585-P** is enacted to read:

23 **§585-P. Perfluoroalkyl and polyfluoroalkyl substances**

24 If the United States Environmental Protection Agency adopts emissions standards for
25 PFAS, emissions standards for PFAS adopted by the board must be the same as the
26 emissions standards established by the United States Environmental Protection Agency.
27 For the purposes of this section, "PFAS" has the same meaning as in section 1614,
28 subsection 1, paragraph F.

29 **SUMMARY**

30 This bill conforms state standards for certain perfluoroalkyl and polyfluoroalkyl
31 substances, or PFAS, to federal standards in the following ways.

32 1. It establishes soil concentration levels for PFAS for the purposes of determining
33 when land is contaminated by PFAS under the Fund To Address PFAS Contamination.

34 2. It amends the law authorizing the adoption of state drinking water rules by the
35 Commissioner of Health and Human Services to require that those rules establish a
36 maximum contaminant level equivalent to the standards of the United States Environmental
37 Protection Agency's national primary drinking water regulations adopted in April 2024 for
38 certain perfluoroalkyl and polyfluoroalkyl substances.

39 3. It provides that federal law or regulation regulating the sale of a food package to
40 which PFAS have been intentionally added preempts state authority to prohibit the sale of
41 such food packaging.

1 4. It provides that if surface water quality standards for PFAS are established pursuant
2 to federal law, the Department of Environmental Protection must adopt rules for surface
3 water quality standards to match the federal water quality standards.

4 5. It provides that if the United States Environmental Protection Agency adopts
5 emissions standards for PFAS, emissions standards for PFAS adopted by the Department
6 of Environmental Protection, Board of Environmental Protection must be the same as the
7 emissions standards established by the United States Environmental Protection Agency.