



Solutions for a  
Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Director of Advocacy, Defend Our Health  
In Support of LD 906, "An Act To Provide Passamaquoddy Tribal Members Access to Clean  
Drinking Water"  
Before the Judiciary Committee  
February 17, 2022

Good morning, Senator Carney, Representative Harnett and members of the Judiciary Committee. My name is Sarah Woodbury. I am the director of advocacy for Defend Our Health. Defend Our Health's mission is to make sure that everyone has equal access to safe food and drinking water, healthy homes and products that are toxic-free and climate friendly. I am here to testify in support of LD 906 "An Act To Provide Passamaquoddy Tribal Members Access to Clean Drinking Water"

Access to clean and safe drinking water is a basic human right. Most folks in the U.S. rarely think about where their water comes from or what it takes to make sure that it's free of toxins and safe for our kids to drink, bathe, and play in. But we here at Defend have seen first hand the stress and health impacts on those who aren't lucky enough to have access to safe drinking water. We have seen what happens when a family finds out that their water is contaminated with arsenic, radon, lead, or PFAS. It can upend a family's sense of safety and health. Now imagine that impact on an entire community. It's unfathomable and unacceptable.

Usually, the issue of contaminated drinking water, particularly here in Maine, tends to impact those that depend on residential wells for their drinking water. Public water systems like the Passamaquoddy Water District (PWD) are tested and treated for contaminants such as arsenic and radon as a part of normal business, residential wells are not. However, the PWD has been experiencing issues with their drinking water for decades. At various points individuals getting water from PWD have reported that the water is brown, smells like rotten eggs, and tastes bad. Residents have reported instances of skin rashes or burns when bathing in some situations, potentially associated with high levels of disinfection byproducts known as trihalomethanes, or THM. A side effect of aggressively treating inadequately clean source water with older technologies, THMs are also associated with increased cancer risks, and are a concern when inhaled in addition to ingested, meaning bathing is also a concern.

While PWD has technically met safe drinking water standards, residents note those tests have not been done when the water was experiencing issues and may not be representative. For example, storms in the area can affect the water supply, causing these problems and likely increased THMs. The water is supplied by Boyden reservoir, which has diminished significantly over the years and is also used for agricultural and recreational purposes, contributing to the problem.



While we recognize and appreciate that the Department of Health and Human Services is providing filters and resources to help alleviate the issue, at the end of the day, the Passamaquoddy should have agency over the source of drinking water for their community. LD 906 would correct several injustices around the issue of safe drinking water for the Passamaquoddy. First, LD 906 would allow the Passamaquoddy the same options as other federally recognized tribes by putting the regulation of the drinking water for the Passamaquoddy under the jurisdiction of the tribe and the Environmental Protection Agency (EPA), allowing the tribe to regulate its own drinking water, just like every other tribe in the United States outside of the state of Maine.

LD 906 would also allow the Passamaquoddy to protect and access sites on their own land that could be utilized for other sources of clean drinking water. The bill would allow the Passamaquoddy Tribe to incorporate two parcels of land that the Tribe already owns into its territory, putting those lands in trust under the federal fee-to-trust process, under which the United States puts lands in a protected status for the benefit of a requesting tribe. Both of these parcels of land have been tested and determined to be capable as serving as community water systems. The Passamaquoddy should have the right to utilize their own land to provide drinking water to their community.

Finally, LD 906 would provide financial resources to PWD. PWD is the only water district within the state of Maine that has to pay property tax to the state. This costs the water district around \$70,000 a year. Money which could be used to help address water quality issues.

At the end of the day, the Passamaquoddy and all other tribes in Maine should be afforded the same rights as other sovereign tribes in the United States. That includes the right to provide safe drinking water for their communities. Access to safe drinking water should be a right that is afforded all people, including our tribal communities here in Maine. LD 906 would help to right some of the injustices that have been inflicted upon the Passamaquoddy when it comes to access to this basic human right. Defend Our Health urges you to vote unanimously "ought to pass" on LD 906.