

Janet T. Mills
Governor

Jeanne M. Lambrew, Ph.D.
Commissioner



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

April 28, 2023

Senator Joseph Baldacci, Chair
Representative Michele Meyer, Chair
Members, Joint Standing Committee on Health and Human Services
100 State House Station
Augusta, ME 04333-0100

Re: LD 1488 - *An Act to Expand Testing for Perfluoroalkyl and Polyfluoroalkyl Substances to Private Drinking Water Wells*

Dear Senator Baldacci, Representative Meyer, and Members of the Committee on Health and Human Services:

This letter is to provide information about LD 1488, *An Act to Expand Testing for Perfluoroalkyl and Polyfluoroalkyl Substances to Private Drinking Water Wells*, and the potential impact of the proposed legislation, if enacted.

LD 1488 requires testing of well water for perfluoroalkyl and polyfluoroalkyl substances (PFAS) by a landlord of a residential building supplied by a private drinking water well. Under the bill, for residential property that uses a private water supply, the seller of that property is required to disclose a water test that indicates the presence PFAS. The bill also adds PFAS to the list of contaminants in the Department of Health and Human Services (the Department) uniform testing recommendations for private drinking water wells.

The Maine Center of Disease Control and Prevention (Maine CDC) is neither for nor against this bill and offers the following comments for your consideration.

Adding PFAS to the list of contaminants in the Department's uniform testing recommendations for private drinking water wells implies that all private wells should be tested for PFAS at a cost of \$225 to \$500. At this time, we do not have a reliable estimate of the occurrence of PFAS in private well water wells that are not subject to targeted testing due to the potential presence of a source of PFAS. About 18 percent of regulated community water supplies, schools, and childcare facilities have been found to have either PFOS or PFOA water levels above four parts per trillion (the recently proposed national drinking water standard). Whether this occurrence is a reasonable estimate for private residential wells is not known. New national drinking water standards for PFAS anticipated in the coming year will determine how test results are reported back to private well owners. Wells can experience variation in their PFAS levels over time, and recommendations have yet to be developed for the appropriate testing frequency of private wells in consideration of this variation.

Rather than add PFAS to the uniform testing recommendations at this time, the Maine CDC suggests continuing the current practices of extensive testing of thousands of private wells located in close

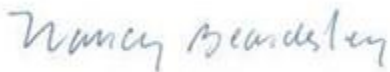
proximity to known or suspected sources of PFAS, including biosolids and septage land application sites as well as certain remediation type sites; educating private well owners on how to self-test for PFAS should they so desire; and continuing to build laboratory analytical capacity to measure PFAS in private well water samples. Maine's Department of Environmental Protection (DEP) is providing leadership on these fronts, and links to their website information for private well owners are provided below. The DEP also may provide varying levels of assistance when private well owners self-test and find PFAS levels of 90 parts per trillion or higher, and a link to this program is included below as well.

Testing requirements for landlords in this bill are similar to the recently added requirement that landlords test well water for arsenic (Public Law 2021, c. 483). No additional resources were provided to Maine CDC to implement this statutory requirement, which has delayed rulemaking specific to this testing requirement (22 MRS §2660-Y.) Obligations regarding education and outreach to landlords are also affected by limited capacity. If LD 1488 is to be enacted, additional resources are needed to effectively implement the existing statutory mandate and the expansion to include PFAS testing. Of note, neither the existing language under recently amended 22 MRS §2660-Y, nor the proposed language under LD 1488 authorizes the Department to administer fines if a landlord does not comply with the statutory requirement to test their wells for PFAS. The Committee may consider adding language to authorize administrative fines as an enforcement measure. The date for completing the testing of wells by landlords stipulated in Sec. 5 of the bill (no later than January 1, 2024) does not provide for a reasonable timeframe that may be needed to implement this requirement.

In summary, the Maine CDC is neither for nor against LD 1488. The Maine CDC anticipates that in the coming year or two, we will have the testing capacity, national drinking water standards, and better information on the occurrence of PFAS in private well water to inform a decision on whether to add PFAS to the uniform testing requirements.

Thank you for your consideration of this matter. The Maine CDC is available to provide additional details for the Committee's consideration.

Respectfully,



Nancy Beardsley, Acting Director
Maine Center for Disease Control and Prevention

PFAS Sampling for Private Homeowners: https://www.maine.gov/dep/spills/topics/pfas/PFAS-homeowner-sampling_revised.pdf

Information for PFAS Self-testers of well water:
https://www.maine.gov/dep/spills/topics/pfas/PFAS%20Selftest%20unk%20source%20DEP%20Guidance%205.23.2022_FINAL.pdf