

**LD 827 An Act to Allow the Sale of Polymer-coated Cookware That Is
Authorized for Food Contact by the United States Food and Drug
Administration**

and

**LD 987 An Act Clarifying Exemptions from the Notification Requirements
for Products Containing PFAS**

Testimony IN OPPOSITION

Joint Committee on Environment and Natural Resources

Public Hearing

Submitted by | Jacquelyn Elliott

March 17, 2025

Chair Senator Tepler; Chair Representative Doudera; and Honorable Committee Members:

Thank you for the opportunity to offer testimony **IN OPPOSITION to LD 827 and LD 987**. My name is Jackie Elliott and I live in Waterboro. For more than three decades I have advocated for policies that protect public health, the environment, and promote justice for communities most impacted by operations of polluting facilities. Maine is well aware of the scourge of contamination of our lands and waters, our wildlife, and human bodies with the toxic legacy of the class of forever toxic chemicals known as PFAS (per - and poly fluoroalkyl substances) that are now ubiquitous in our environment and our bodies. **Evolving research indicates there may be no safe¹ level of exposure to these toxics.**

Maine has taken bold and important steps to protect citizens and limit contact with these toxics by passing trailblazing legislation addressing the front end of the problem where possible. The evidence makes it apparent that **we must turn off the tap of unnecessary production and use of these toxic chemicals**. Efforts to deal with PFAS pollution on the end of the pipe are not overly promising. Broad application of technologies to scale is likely far into the future.² Costs of mitigation efforts, currently employed with limited success, are prohibitively expensive in use and limit access by those who are most impacted. There is an element of **injustice as polluters do not pay**

¹ <https://www.epa.gov/system/files/documents/2024-04/drinking-water-utilities-and-professionals-technical-overview-of-pfas-npdwr.pdf>

² April 8, 2024, *Interim Guidance on the Destruction and Disposal of Perfluoroalkyl and Polyfluoroalkyl Substances and Materials Containing Perfluoroalkyl and Polyfluoroalkyl Substances - Version 2 (2024)*: <https://www.epa.gov/system/files/documents/2024-04/2024-interim-guidance-on-pfas-destruction-and-disposal.pdf>

and those dealing with elevated levels of contamination of their bodies and environment pay with their dollars, health, and degraded lives.

The PFAS Products Law (LD 1503/LD 1537) is a **first-in-the-world** legislation that protects people from PFAS exposure in products. Both LD 827 and LD 987 duplicate the existing law and are not needed and would provide wide-ranging exemptions to fourteen broad product categories despite the fact the PFAS Products Law already provides a clear process to apply for a ‘currently unavailable use’ designation. Several of the product categories are already explicitly exempted.

Maine’s PFAS Products Law represents two years of work with industry to provide exemptions for products that present difficulties to substitute PFAS. The industry concerns represented by LD 827 and LD 987 have been raised last minute and present potential to interfere with the Maine Department of Environmental Protection rule-making process currently underway.

There are objections being raised by industry regarding PFAS relative to food contact that would weaken standards already put in place by the European Union and other states. Maine has been a leader and has banned nine phthalates in food packaging still allowed by the Food and Drug Administration. Several states already ban PFAS in cookware and the products listed in LD 987 are prohibited in Minnesota. Maine would not be first.

Exemptions for products being sought in LD 987 represent direct exposure pathways for consumers from textiles and refrigerants in vehicles. Providing an exemption for PFAS in artificial turf is indefensible as that represents a serious exposure pathway for children who are more susceptible to impacts from exposures. Exemptions for cookware are irresponsible and unrealistic because consumers disregard instructions from manufacturers that result in damage to the cookware and toxic chemicals are released³ during use. Cooking with PFAS-free pans is not a hardship. **The market place provides many suitable alternatives.**

Fluoropolymers like PTFE flake off damaged cookware and become microplastics and are ingested.⁴ These exposures represent threats to human health.⁵ These **toxic**

³ July, 23, 2024, Mary Jo Dilonardo, Is it Safe To Use Scratched Nonstick Pans: What Experts Say: <https://www.simplyrecipes.com/is-it-safe-to-use-scratched-nonstick-pans-7480071>

⁴ December 10, 2022, Vol. 851, Pt. 2, Yunlong Luo; Christopher T. Gibson; Clarence Chuah; Youhong Tong; Ravi Naidu; Cheng Fang: *Raman imaging for the identification of Teflon microplastics and nanoplastics released from non-stick cookware:* <https://www.sciencedirect.com/science/article/abs/pii/S004896972205392X>

⁵ December 18, 2024, Nicholas Chartres; Courtney B. Cooper; Garret Bland; Katherine Pelch; Sheiphali A. Gandhi; Abena BakenRa; Tracy J. Woodruff: *Effects of Microplastic Exposure on Human Digestive, Reproductive, and Respiratory Health: A Rapid Systemic Review:* <https://pubs.acs.org/doi/10.1021/acs.est.3c09524>

microplastics have been discovered in urine and semen and are being linked⁶ with reduced sperm counts. Fluoropolymers are toxic throughout their entire lifecycle, and release dangerous pollution to air and water during production that impacts fenceline communities⁷ and contaminates water⁸ supplies.

Maine is facing the challenge of dealing with PFAS contamination: landfill leachate poisoned with PFAS from disposal of products containing the toxic chemicals; waste water treatment facilities struggling to remove the forever chemicals from biosolids to meet effluent regulations; and the State under considerable pressure to deal with the disposal of these contaminated biosolids.⁹ **It is patently obvious that the work on the front end of the PFAS problem is increasingly more critical.**

There is no justifiable reason to undo the reasonable safeguards that Maine has put in place to protect citizens from needless PFAS exposures. That work must continue to make progress. **The lives and health of our citizens and our environment are at stake.** I ask the Committee to unanimously vote **OUGHT NOT TO PASS** on LD 827 and LD 987. Thank you for considering my comments.

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⁶ October 1, 2024, Vijay Kumar Malesu reviewed by Sussha Cheriye dath, M.Sc., *Study finds microplastics in semen and urine, linking PTFE exposure to lower sperm count:*

<https://www.news-medical.net/news/20241001/Study-finds-microplastics-in-semen-and-urine-linking-PTFE-exposure-to-lower-sperm-count.aspx#:~:text=6-,Study%20finds%20microplastics%20in%20semen%20and%20urine%2C%20linking,exposure%20to%20lower%20sperm%20count&text=Scientists%20discover%20that%20exposure%20to,environmental%20pollutants%20on%20male%20fertility.&text=In%20a%20recent%20study%20published,multi%20site%20study%20across%20China.>

⁷ October 16, 2024, Jordan Dennison, *PFAS and the Health of West Virginians:*

<https://scitechpolicy.wvu.edu/science-and-technology-notes-articles/2024/10/16/pfas-and-the-health-of-west-virginians>

⁸ June 7, 2021, Nicole Greenfield, *The Drinking Water Crisis That North Carolina Ignored:*

<https://www.nrdc.org/stories/drinking-water-crisis-north-carolina-ignored>

⁹ December 15, 2023, Brown and Caldwell, *An Evaluation of Biosolids Management in Maine and Recommendations for the Future:*

<https://www.maine.gov/tools/whatsnew/attach.php?id=12198306&an=1>