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MAINE WATER UTILITIES ASSOCIATION
Organized in 1925



May 12, 2025

Honorable Denise Tepler, Chair
Honorable Victoria Doudera, Chair
Joint Standing Committee on Environment and Natural Resources
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: ***Testimony in Opposition to LD 1903 An Act to Conform the State's Perfluoroalkyl and Polyfluoroalkyl Substances Laws to Federal Standards***

Dear Senator Tepler, Representative Doudera, and Members of the Committee on Environment and Natural Resource:

The Maine Water Utilities Association (MWUA) appreciates the opportunity to provide testimony in respectful opposition to LD 1903. In noting our opposition, our focus relates to the language in LD 1903 creating a statutory mandate that the Maine Department of Health and Human Services (DHHS) adopt specific maximum contaminant levels (MCL) for per and polyfluoroalkyl substances (PFAS).

About MWUA. MWUA is a nonprofit association based in Augusta that provides support for water works professionals throughout the State of Maine in advocating for safe drinking water through educational and technical programming as well as advocacy on the local, state, and national level. The Association was formed in 1925 and consists of approximately 86 utility and 60 associate members. Maine's water utilities provide service to approximately 700,000 Maine residents, thousands of Maine businesses and public institutions, and millions of visitors to Maine every year.

Discussion. MWUA and Maine's water utilities support the establishment of water quality standards for PFAS compounds. However, LD 1903 is not necessary to achieve this purpose because:

1. **Maine's Drinking Water Program is already required to conform its agency rules to set MCL levels for public drinking water supplies that must be no less stringent than US EPA standards.** In 1974 the US Environmental Protection Agency (EPA) granted Maine's DHHS primacy authority to enforce the federal Safe Drinking Water Act. As part of the primacy agreement, Maine is already required to adopt drinking water standards at least as stringent as the federally adopted standards. Maine has successfully done this over the past 50 years without adding contaminant specific statutory language. DHHS has successfully adopted the federal standard by reference through the rulemaking process. Adding contaminant specific language in statute is not only redundant with what Maine currently does by rule, but by putting these requirements in statute, LD 1903 risks creating State standards that may not be in complete harmony with federal standards now or in the future. And if changes emerge in the future, the only way for Maine to respond would be through legislation, not routine technical rulemaking.



2. **The HHS Committee passed legislation (LD 1326) on this precise topic last Thursday.**

Importantly, the portion of LD 1903 related to PFAS in public drinking water supplies is addressed in legislation before the Legislature's Health and Human Services (HHS) Committee. On Thursday May 8, the HHS Committee held a work session on LD 1326, *An Act to Protect the Drinking Water for Consumers of Certain Water Systems by Establishing Maximum Contaminant Levels for Certain Perfluoroalkyl and Polyfluoroalkyl Substances*. After debate and discussion that included hearing from Maine's Drinking Water Program (part of Maine DHHS), the HHS Committee unanimously approved an amended version of LD 1326 that requires DHHS to adopt the EPA PFAS standard as published in April 2024. Although our association did not support adding MCL levels into statute, preferring that such standards be provided via agency rule, the HHS Committee's action to put PFAS MCL levels in statute is redundant with LD 1903, and further changes could create inconsistencies with that bill.

Conclusion. Although our association continues to believe that MCL levels for public drinking water supplies are best addressed via agency rulemaking so that Maine can best maintain primary responsibility for enforcing the federal Safe Drinking Water Act, to the extent this issue was just addressed by the HHS Committee through LD 1326, further action on LD 1903 is not needed and could create inconsistencies with other pending legislation. For this reason, we urge the Committee to remove any reference to public drinking water from LD 1903.

Thank you for your consideration,



Roger Crouse, Chair
MWUA Legislative & Regulatory Affairs Committee

cc: James I. Cohen, Verrill Dana, LLP, Legislative Counsel

