

Janet T. Mills
Governor

Sara Gagné-Holmes
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) 287-2887
TTY: Dial 711 (Maine Relay)

5/12/2025

Senator Tepler, Chair
Representative Doudera, Chair
Members, Joint Standing Committee on Environment and Natural Resources
100 State House Station
Augusta, ME 04333-0100

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

Senator Tepler, Representative Doudera and members of the Joint Standing Committee on Environment and Natural Resources, thank you for the opportunity to provide information in opposition to LD 1903, *An Act to Conform the State's Perfluoroalkyl and Polyfluoroalkyl Substances Laws to Federal Standards*.

The stated intent of this bill is to conform state standards for certain perfluoroalkyl and polyfluoroalkyl substances, or PFAS, to federal standards or guidelines to be used to determine eligibility for access to PFAS Funds under 7 MRSA §302-K sub-§1, to establish maximum contaminant levels for drinking water under 22 MRSA §2611, sub-§1-A, to establish surface water quality standards under 38 MRSA §420, sub-§2, and air emission standards under 38 MRSA §585-P. It also establishes that federal law or regulation preempts State authority to prohibit the sale of food packaging containing PFAS under 32 MRSA §1733, sub-§3.

Where Maine CDC has provided testimony in opposition to proposed legislation presented previously in this session to this committee to require Maine adopt specific federal PFAS levels, this testimony addresses concerns with Section 1 of the proposed bill. Section 1 establishes a definition of PFAS contaminated soil within the statute establishing the Fund for PFAS Contamination (7 MRSA §302-K). This definition determines when allocations can be made from the PFAS Fund for designated purposes including monitoring the health of a person, relocating an impacted commercial farm, buying and selling contaminated agricultural land, investing in equipment, facilities and infrastructure to ensure an impacted commercial farm maintains profitability, and providing short-term assistance. LD 1903 proposes a definition of PFAS contaminated soil to be a soil concentration of 0.13 milligrams per kilogram (mg/kg) for perfluorooctane sulfonic acid (PFOS), and 0.19 mg/kg for perfluorooctanoic acid (PFOA); and, for any PFAS other than PFOS and PFOA, PFAS contamination is to be defined as an amount exceeding a soil concentration level contained in guidance promulgated by the United States Environmental Protection Agency (EPA).

Maine CDC finds the proposed definition of PFAS contaminated soil to be problematic. First, the basis for these numbers is not clear. The stated intent of this proposal is to conform with EPA standards or guidance. The currently published EPA guidance for soil screening levels for PFOS

and PFOA as published on the EPA Regional Screening Level (RSL) Tables are more than 10-fold lower than levels proposed by this legislation. The EPA RSL Tables do not include exposure pathways that are specific to agricultural food exposure pathways, such as using soil to grow crops to feed livestock that will produce food commodities such as milk or beef. PFOS soil screening levels developed by the Maine CDC for the dairy farming pathway and these soil levels are also much lower. If enacted as written, reliance on the much higher soil PFOS and PFOA levels could result in fewer Maine farms and farm families having access to PFAS Funds as they navigate the challenges of remaining a viable commercial farm impacted by the historical application of PFAS contaminated biosolids. Paradoxically, LD 1903 defines PFAS contaminated soil for other PFAS as an amount exceeding a soil concentration level contained in guidance promulgated by the United States Environmental Protection Agency. This could be interpreted as adopting the EPA RSL Table values for the several additional PFAS with published soil screening levels including for the PFAS called perfluorodecanoic acid (PFDA). The EPA's soil screening level for PFDA are so low that they approach the background levels for Maine soils.

In conclusion, Maine CDC respectfully recommends that the Committee review and consider the existing definitions of PFAS contamination of Maine farms that have been promulgated by the Department of Agriculture Conservation and Forestry (DACF) in several PFAS Fund rules (01-011 CMR chapters 400-408), and also consider that the rulemaking currently underway with the Department is to ensure Maine's rules are as protective of human health as those required by the current federal PFAS Rule. We have been looking for federal leadership on establishing PFAS soil screening levels for agriculture exposure pathways and maximum limits of PFAS in agricultural food commodities since 2016, but such leadership has been slow to occur. Maine CDC continues to dedicate significant resources to developing and updating soil screening levels for agricultural exposure pathways in support of DACF and we are most willing to update the Committee on these efforts.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,



Puthiery Va, DO
Director
Maine Center for Disease Control and Prevention
Maine Department of Health and Human Services