



Joseph Baldacci
Senator, District 9

THE MAINE SENATE
131st Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Senator Joe Baldacci introducing LD 1214 “An Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination”

Before the Joint Standing Committee on Environment and Natural Resources.

April 26, 2023

Good morning, Senator Brenner, Representative Gramlich, and Distinguished Members of the Joint Standing Committee on Environment and Natural Resources. I am Senator Joe Baldacci, and I proudly represent Senate District 9, which is made up of *Bangor and Hermon*. I am here today to present LD 1214, “An Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination.”

L.D. 1214 is a high-level surgical approach to help ease the burden on the regulated community, but also achieve the goal of limiting the amount of PFAS in our land, water, food, and natural resources – and limit human exposure to PFAS. It proposes to make four common-sense solutions to the original law. First – it changes how PFAS are currently defined to narrow the scope and make the law more realistic to comply with. Right now, we simply do not have the lab capacity or the technology to test for the definition in current statute. Right now, PFAS are defined as 15,000 different chemical compounds. It is simply not possible to test for most PFAS, and the associated costs are enormous. We need to narrow the scope.

Next, it protects confidential business information. Third - it pushes out the effective date of the law 1 year to allow the DEP and various regulators to have rules adopted both for the reporting requirement, but also the rulemaking on “unavoidable uses” – this addresses the current problem where we have an effective law, but no way for the regulated community to comply. This would allow businesses to have a better understanding of how they are impacted and what is required of them. Last - it removes the 2030 ban on products with intentionally added PFAS because in our opinion, through the “unavoidable uses” rulemaking, the DEP is going to be able to make the determination of what products can or cannot be sold in Maine. And we believe this is a better way to address that than an all-out ban. We believe the regulators who will have more information available are better qualified to make these decisions. An all-out ban would be very problematic to the economy in Maine and the products that could be available.

The broad definition of PFAS currently treats all PFAS substances the same, regardless of the health and safety profile or potential to migrate into the environment. For example, because fluoropolymers (which are a family of plastic resins) are based on a carbon/fluorine bond, these substances meet the broad definition of PFAS even though they are negligibly soluble in water, non-mobile, non-bioavailable, non-bioaccumulative and non-toxic. Another analogy would be to consider the potential regulation of “hydrocarbons.” Both gasoline and a plastic milk jug could



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be classified under a broad “hydrocarbon” family definition, but each would be regulated entirely differently given their health/safety profile and potential impact on the environment.

The proposed definition of PFAS would include:

1. The legacy long-chain PFAS, including but certainly not limited to PFOA and PFOS, two phased-out substances that have been found to be widespread in the environment; and
2. Many short-chain PFAS, including those currently being examined by the U.S. EPA for human health effects (PFBA, PFBS, PFHxA, PFHxS, and HFPA dimer acid)

The proposed definition excludes:

1. Polymeric PFAS, which are large, highly stable molecules. • The amended definition would, however, capture PFAS used to create PFAS polymers, as well as their non-polymeric breakdown products.
2. PFAS that are gasses and volatile liquids: • Those PFAS are largely used as refrigerants or as foam blowing agents, uses that are already highly regulated under the Clean Air Act1 and subject to both human health and environmental risk assessments.

Please support L.D. 1214 to help protect Maine’s business community and economy. If no improvements are made to the current law, it will be absolutely devastating for Maine’s economy and we run the risk that our citizens in Maine will no longer have access to the same products or services that they are used to, and that would be problematic for all of us.