

April 26, 2023

Senator Stacy Brenner, Senate Chair
Representative Lori Gramlich, House Chair
Joint Standing Committee on Environment and Natural Resources
100 State House Station
Augusta, Maine 04333

RE: MSCC Testimony in SUPPORT of L.D. 1214, An Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination

Senator Brenner, Representative Gramlich and members of the Environment and Natural Resources Committee:

My name is Ben Lucas, I live in Portland, and I represent the Maine State Chamber of Commerce, a statewide business organization consisting of a network of more than 5,000 small and large companies across Maine. The Maine State Chamber of Commerce is submitting testimony in support of L.D. 1214, and we thank Senator Baldacci for putting this legislation forward, and for his leadership on this important issue.

Everyone here today is aware of the critical policy conversations that have arisen due to PFAS concerns over the recent years. It is an important issue, with a lot of attention. We appreciate the efforts of the Legislature, and this committee to address the PFAS concerns in Maine, and we believe a lot of progress has been made. We firmly believe that every piece of legislation dealing with PFAS has been well intended – but we also believe that some of the legislation passed needs improvements. In 2021, this committee and the legislature enacted L.D. 1503. Since this law was enacted, our offices at the Maine Chamber have been overwhelmed with requests from our network of more than 5,000 members across Maine trying to get a better understanding of how they are impacted by this law. Additionally, we have received hundreds of calls and messages from companies across the entire country and the entire globe.

The current law impacts every sector of Maine's economy and every type of business from our smallest to our largest employers. Maine is certainly doing a lot to address PFAS. As we continue to take this approach, it is important to understand that not all PFAS can be treated the same and not all efforts around PFAS can be treated the same. What we are doing to eliminate PFAS from our drinking water is very different from what we are doing to eliminate PFAS from our agricultural lands, which is very different from trying to regulate and eliminate PFAS from every day and essential products – such as cars, cellphones, clothes, lifesaving medical equipment and medications. The Chamber supports efforts to address the PFAS crisis in our water and agricultural sector – but when you are requiring testing and reporting for potentially hundreds of thousands of products for potentially 15,000 PFAS compounds – that is something that is going to be much more

challenging, complex, and costly for the business community. And that is why we believe L.D. 1214 is so important to pass because we believe improvements need to be made.

L.D. 1214 is a very technical and common-sense approach to make improvements to ease the burden on the regulated community. We believe it is an approach that helps make the law more workable for the business community, while also still trying to accomplish the main goal – which is to limit human exposure to PFAS and eliminate PFAS from our water and agricultural lands. L.D. 1214 proposes four changes to the law:

- First – it changes how PFAS are currently defined to narrow the scope and make it 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 is defined as 15,000 different chemical compounds. It is simply not possible to test for most PFAS, and the costs associated with it are enormous. We need to narrow the scope. The current structure is unworkable, complex, and costly for the business community.
- Secondly - it protects confidential business information.
- Thirdly - it pushes out the effective date of the law by 1 year to allow the Maine Department of Environmental Protection and various regulators to have rules adopted both for the reporting requirement, but also the rulemaking on “unavoidable uses” – this addresses the current problem we are in where we have an effective law, but no way for the regulated community to comply. This would allow everyone to get a better understanding of how they are impacted and what is required of them.
- Lastly - it removes the 2030 ban on products with intentionally added PFAS because in our opinion, through the “unavoidable uses” rulemaking, the Department is going to be able to make the determination of what products can or cannot be sold in Maine. 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.

I do want to quickly touch on some of the other legislation before you today. First, L.D. 1537 – the Chamber respectfully opposes this piece of legislation. We do believe it is a well-intended bill, and we appreciate the sponsor for bringing it forward – but we do not believe it does enough to address the concerns of the business community.

Regarding L.D. 217 – we do support pushing out the effective date of the law to allow for the regulations and rulemaking to be completed before the law is in effect.

We would support a change like this. L.D. 1273 -- we are neither for nor against. We understand the difficulties this law places on small businesses in Maine. There is no organization likely more understanding than the Maine State Chamber given the makeup of the business community in Maine. But as I have previously said to this committee, exemptions are difficult for us to support given that we have an entire membership impacted in every sector of our economy. There needs to be a solution to address the challenges that will benefit everyone.

Lastly, L.D. 304 is a concept draft and we did not see any language in time to do in-depth analysis, so we have no position on this bill.

In closing, we hope the committee will recognize L.D. 1214 as the best vehicle for this committee to make any changes. We believe L.D. 1214 is the best approach that has been introduced to make improvements to the regulated community – yet still achieve the main goals of L.D. 1503, to limit human exposure to PFAS and eliminate it from our water and lands. We look forward to working with this committee and all interested parties as this move through the legislative process. Thank you for the opportunity to testify today, I am happy to answer any questions and bring back additional information for the work session.

Sincerely,
Benjamin R. Lucas
Senior Government Relations Specialist
Maine State Chamber of Commerce
Email: blucas@mainechamber.org