



Henry L. Ingwersen
Senator, District 32

THE MAINE SENATE
131st Legislature

3 State House Station
Augusta, Maine 04333

Testimony of Senator Henry Ingwersen
Presenting LD 1537 “An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl
and Polyfluoroalkyl Substances Pollution and to Provide Additional Funding”
Before the Environment and Natural Resources Committee
April 26, 2023

Senator Brenner, Representative Gramlich, and members of the Environment and Natural Resources Committee. My name is Senator Henry Ingwersen, and I represent Senate District 32, including the City of Biddeford and the towns of Lyman, Dayton, Hollis, and Arundel. I am before you today to present and speak in support of LD 1537 “An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution and to Provide Additional Funding”.

As Maine started to grapple with the issue of PFAS contamination across the state, the legislature worked in a bipartisan manner to pass legislation to determine where the PFAS is coming from and to reduce the sources of PFAS entering into our bodies and in our environment. This led to the passage of LD 1503, a bill that requires manufacturers of products with intentionally added PFAS to report the presence of those substances in those products to the Department of Environmental Protection (DEP) beginning in 2023. It bans the sale of products containing intentionally added PFAS by 2030 unless the use of PFAS in that product has been designated as a currently unavoidable use by the department. LD 1503 also allows the DEP to name categories of products to ban the use of PFAS in between now and 2030 before the the full ban goes into effect. The department is required to create a PFAS source reduction program that provides information, education and, to the extent funds are available, grants to publicly owned treatment works and municipalities to reduce PFAS entering air, water, or land. The bill had overwhelming bipartisan support in both the House and Senate.

As the implementation of LD 1503 began, it became apparent that there were some technical fixes needed to make the implementation go more smoothly. This bill, LD 1537, provides those technical fixes. It does several things. First, the bill extends the deadline for reporting the use of perfluoroalkyl and polyfluoroalkyl substances, or PFAS, in products for sale until October 1, 2023. The Department is in the middle of rulemaking as we speak but does not yet have finalized rules that provide industry with the information they need to be able to report the uses of PFAS in their products as required under LD 1503. Extending the deadline will allow the Department to finalize the rules to provide guidance to those required to report. Second, this bill provides a small business exemption for businesses that have less than \$20M in annual national sales. Those businesses will not be required to disclose if the products they manufacture contain PFAS. They will still not be able to sell products containing PFAS if those products are banned due to non-essential uses of PFAS under section 5 of the law.

*Chair, Agriculture, Conservation and Forestry Committee * Health and Human Services Committee*
*State House: (207) 287-1515 * Fax: (207) 287-1585 * Toll Free: 1-800-423-6900 * TTY: 711*
*Henry.Ingwersen@legislature.maine.gov * legislature.maine.gov/senate*

Proudly representing Senate District 32: Arundel, Biddeford, Dayton, Hollis, Lyman



Henry L. Ingwersen
Senator, District 32

THE MAINE SENATE
131st Legislature

3 State House Station
Augusta, Maine 04333

This should protect Maine's farms and small businesses from having to utilize resources to report the use of PFAS to the DEP. The original intent of LD 1503 was never to require small businesses to report this information. Most small businesses in Maine do not utilize PFAS in the manufacturing process. It also clarifies that packaging is exempt from this law as it is already regulated under a different statute.

One of the biggest hurdles to implementing this law is the lack of staff and resources at the Department. Right now, the safer chemicals program under the DEP is woefully understaffed. So the next thing LD 1537 does is provide allocations for additional staff and resources to help make the implementation of the law go more smoothly.

Current draft rules for LD 1503 from the Department require companies to report the amount of each intentionally added PFAS using a unique identification code, a chemical abstracts service registry number (CAS). But not all PFAS have CAS numbers. By implying that PFAS without a CAS cannot be registered, which is not the case, not all PFAS will be registered, allowing for the introduction and usage of novel chemicals that may worsen the PFAS crisis. In those circumstances there are alternatives to the CAS number that can be utilized including a PMN number, EPA accession number, a full chemical name and formula, or at least a generic chemical name. LD 1537 adds language that requires that the Department report the use of PFAS even if there is no CAS number associated with that particular PFAS.

The point of LD 1503 is to reduce the sources of PFAS here in Maine to help stop further contamination of our environment. To do that we need the Department to move forward on banning other categories of products as allowed under LD 1503 that we know are unnecessary. We should not be focusing on the "unavoidable use" provision until we have made strides to reduce current sources of PFAS in our environment. Therefore, this bill will also require that the Department adopt a rule starting in 2025 identifying at least one product category or use that may not be sold, offered for sale or distributed in this State if it contains intentionally added PFAS. It prohibits the department prior to January 1, 2028, from providing an exemption for products in which the use of PFAS is a currently unavoidable use unless the department has adopted rules that identify a relevant related product category or use for a sales prohibition. Technology around PFAS is changing every day. What is necessary for use now may not be in 2, 3 or 4 years, so we should focus on phasing out the uses that we know are avoidable now and wait until closer to the implementation deadline of 2030 to define what is currently unavoidable.

We did talk through these changes with the Department. Some of them they support, like providing a small business exemption, and some they do not, like requiring that there is at least one product category phased out each year starting in 2025. But, the point of the original statute was to protect the health and environment of Mainers from further PFAS contamination. We need to do all we can to make sure that we are doing that and these fixes to LD 1503 that this bill provides will help move us in that direction.

*Chair, Agriculture, Conservation and Forestry Committee * Health and Human Services Committee*
*State House: (207) 287-1515 * Fax: (207) 287-1585 * Toll Free: 1-800-423-6900 * TTY: 711*
*Henry.Ingwesen@legislature.maine.gov * legislature.maine.gov/senate*

Proudly representing Senate District 32: Arundel, Biddeford, Dayton, Hollis, Lyman



Henry L. Ingwersen
Senator, District 32

THE MAINE SENATE
131st Legislature

3 State House Station
Augusta, Maine 04333

Thank you for taking the time to hear my testimony, and I will try my best to answer questions though there are those more knowledgeable in the room that may help as well.

*Chair, Agriculture, Conservation and Forestry Committee * Health and Human Services Committee
State House: (207) 287-1515 * Fax: (207) 287-1585 * Toll Free: 1-800-423-6900 * TTY: 711
Henry.Ingwersen@legislature.maine.gov * legislature.maine.gov/senate*

Proudly representing Senate District 32: Arundel, Biddeford, Dayton, Hollis, Lyman