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Testimony of Rep. Lori K. Gramlich, cosponsor, in favor of

**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 Joint Standing Committee on Environment and Natural Resources

Senator Brenner and my esteemed colleagues on the Environment and Natural Resources Committee, my name is Lori Gramlich, and I represent House District 131, the lovely seaside community of Old Orchard Beach. I am here to proudly support **LD 1537, An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution and to Provide Additional Funding**.

I want to provide some background and framing of what brought us to where we are and what we have been able to accomplish with PFAS.

As many of you know, since it first came to our attention through the heartbreaking story of Fred Stone and his dairy farm in Arundel in 2016, Maine has been a leader in addressing the pervasive harmful effects of the “forever chemicals” known as PFAS. We have made incredible strides over the past four years to uncover the degree of PFAS contamination - contamination from toxic chemicals that have impacted farms and small business livelihoods across our state, toxic chemicals that have seeped into our groundwater and soil, impacting both public and private drinking water systems, toxics that have entered our inland waterways and fish and wildlife resources. The extent and degree of the contamination presents significant financial challenges as we work to support impacted communities, remediate contaminated water systems, and protect Mainers from the health risks posed by PFAS exposure. Protecting the health of Maine residents from these persistent toxins is clearly worth the investment; however, we must remain diligent in our efforts.

In an effort to reduce the sources of PFAS entering into our bodies and in our environment, this committee passed LD 1503 during the 130th Legislature with overwhelming bipartisan support.

This landmark law 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 also prohibits the sale of residential carpets, rugs and fabric treatments that contain intentionally added PFAS beginning in 2023. It allows the DEP to name other categories of products to phase-out the use of PFAS and, effective in 2030, products containing intentionally added PFAS may not be sold unless the use of PFAS in a product is specifically designated as a currently unavoidable use by the department. 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.

As the DEP began implementing LD 1503, it became evident that this critically important law needed some technical modifications to allow for greater success in its implementation.

LD 1537 does just that: It provides those technical fixes in several ways. We have heard from small businesses throughout Maine that the reporting component of this law could pose a hardship. We know that small businesses in Maine are the cornerstone of a strong economy, and thus doing what we can to eradicate PFAS in manufactured goods while supporting small businesses is paramount.

LD 1537 provides a small business exemption for businesses that have less than \$20 million 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 the second section of this law. This should also 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 this law was never to require small businesses to report this information. Most small businesses in Maine do not utilize PFAS in the manufacturing process.

The reporting requirement of LD 1503 had a time frame that was incongruent with the DEP's capacity to promulgate rules to provide guidelines for that reporting. The department continues to work on its rulemaking, causing confusion with regard to what one must provide to the department. I am anticipating and am hopeful that the department will finalize these rules by this fall. In order to make the disclosure process easier for both the department and the regulated community, LD 1537 extends the deadline for reporting to October of 2023 to allow those rules to be finalized.

It is imperative that we reduce the sources of PFAS in our environment as soon as we possibly can. To be successful, 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 DEP 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 two, three or four 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.

The changes identified in this policy initiative are necessary to ensure the implementation of the important law we passed last session relative to PFAS in manufactured goods and products. LD 1537 will help allow this process to move forward while protecting Maine businesses.

I urge you all to continue the critically important work we have undertaken to address PFAS contamination and vote unanimously “ought to pass” on LD 1537.

Certainly, I will work with the committee during the work session and am happy to try to answer any questions you may have.

Thank you.