



Solutions for a
Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Director of Advocacy, Defend Our Health
In SUPPORT of LD 75 "An Act to Establish Maximum Contaminant Levels Under the State's
Drinking Water Rules to Prohibit Certain Perfluoroalkyl and Polyfluoroalkyl Substances" Before
the Health and Human Services Committee
April 28, 2023

Senator Baldacci, Representative Meyer and members of the Health and Human Services Committee. My name is Sarah Woodbury. I am the director of advocacy for Defend Our Health. Defend Our Health's mission is to make sure that everyone has equal access to safe food and drinking water, healthy homes and products that are toxic-free and climate friendly. I am here to testify in support of LD 75 "An Act to Establish Maximum Contaminant Levels Under the State's Drinking Water Rules to Prohibit Certain Perfluoroalkyl and Polyfluoroalkyl Substances".

These so-called "forever chemicals" are toxic and do not belong in drinking water. They have been linked to interference with normal brain development in children, they can increase the risk of some cancers, may lower a woman's chance of getting pregnant, and have been associated with liver problems and increased cholesterol levels. It is particularly worth noting that scientists are discovering harm to the immune system at lower levels of PFAS exposure, including decreased response to vaccines. In the age of COVID, the last thing we want is to be exposed to toxic substances that decrease responses to vaccines. Even other agencies within the federal government, including the Agency for Toxic Substances and Disease Registry¹, part of the CDC, has recommended lower safety thresholds for PFAS.

This committee heard legislation last session to set a maximum contaminant level (MCL) for 6 PFAS in drinking water at 20 parts per trillion (ppt). At that time, that MCL was lower than the federal advisory level of 70 ppt. The 130th legislature passed that legislation with overwhelming bipartisan support. However, things have changed since Maine set those standards. The U.S. Environmental Protection Agency (EPA) has since come out with drinking water health advisories that are much lower than Maine's current MCL. For PFOA and PFOS, the lifetime health advisories are .004 ppt and .02 ppt respectively. Maine's current standard is 20 ppt for both chemicals. The US EPA states that "The updated advisory levels, which are based on new science and consider lifetime exposure, indicate that some negative health effects may occur with concentrations of PFOA or PFOS in water that are near zero and below EPA's ability to

¹ Toxic substances portal - perfluoroalkyls. (2018, June). Retrieved February 08, 2021, from <https://www.atsdr.cdc.gov/ToxProfiles/tp.asp?id=1117&tid=237>



detect at this time”². In addition, the US EPA is in the process of setting drinking water standards much lower than Maine’s current standards. They are looking to set an MCL of 4ppt for PFOA and PFOS and then a health hazard index for four other PFAS. The more we learn about PFAS, the more we are finding out just how toxic it is and how dangerous any level of exposure to these chemicals can be.

LD 75 as drafted requires that rules be established by the Department that sets an MCL of 0 nanograms per liter (which is equivalent to parts per trillion). We applaud Senator Bennett’s forward thinking in setting this standard. However, current technology makes implementing this law difficult as current testing technology will not test to 0 ng/l. Therefore, we have drafted an amendment that basically sets a technology-based standard. Our amendment states that “The MCL must be equivalent to zero nanograms per liter, defined for the purposes of this section as the level at which none of the regulated PFAS is detectable using standard laboratory methods established by the United States Environmental Protection Agency in effect at the time of sampling”. So basically, if you use an EPA laboratory method and that method detects PFAS than it is above zero and needs to be treated. If it is non-detect, no treatment is necessary.

Everyone should have access to clean drinking water. Setting a technology-based standard for PFAS in drinking water will assure that public water systems will be safe for our communities to drink. We urge the committee to unanimously vote “ought to pass” as amended on LD 75.

Proposed Amendment to LD 75 - An Act to Establish Maximum Contaminant Levels Under the State’s Drinking

Water Rules to Prohibit Certain Perfluoroalkyl and Polyfluoroalkyl Substances

[Replace the bill with the following language]

An Act to Establish Maximum Contaminant Levels Under the State’s Drinking Water Rules to Prohibit Certain Perfluoroalkyl and Polyfluoroalkyl Substances

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §2611, sub-§1-A is enacted to read:

1-A. Maximum contaminant levels for certain perfluoroalkyl and polyfluoroalkyl substances.

A. Perfluoroalkyl and polyfluoroalkyl substances. “Perfluoroalkyl and polyfluoroalkyl substances or PFAS means a substance as defined in Title 38, section 14, subsection 1, paragraph F.

² Environmental Protection Agency. (2022, June 15). *EPA Announces New Drinking Water Health Advisories for PFAS Chemicals, \$1 Billion in Bipartisan Infrastructure Law Funding to Strengthen Health Protections*. EPA. Retrieved April 24, 2023, from <https://www.epa.gov/newsreleases/epa-announces-new-drinking-water-health-advisories-pfas-chemicals-1-billion-bipartisan>



B. Regulated PFAS contaminants. Regulated PFAS contaminants means perfluorooctanoic acid, also known as PFOS; perfluorooctane sulfonic acid, also known as PFOA; perfluorohexane sulfonic acid, also known as PFHxS; perfluorononanoic acid, also known as PFNA; perfluoroheptanoic acid, also known as PFHpA and perfluorodecanoic acid, also known as PFDA.

C. Maximum contaminant level. The primary drinking water rules adopted and enforced by the commissioner pursuant to subsection 1 must specify a maximum contaminant level ("MCL") for the the sum of the six regulated PFAS contaminants listed in paragraph B. The MCL must be equivalent to zero nanograms per liter, defined for the purposes of this section as the level at which none of the regulated PFAS is detectable using standard laboratory methods established by the United States Environmental Protection Agency in effect at the time of sampling.

SUMMARY

This bill amends the law authorizing the adoption of state drinking water rules by the Commissioner of Health and Human Services to require that those rules establish a maximum contaminant level equivalent to zero nanograms per liter for certain perfluoroalkyl and polyfluoroalkyl substances.