

To: Senator Baldacci, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services

From: Bradley Sawyer, Deputy Director

Date: April 28, 2023

Re: Testimony in Opposition to L.D. 775, An Act to Establish Maximum Contaminant Levels Under the State's Drinking Water Rules to Prohibit Certain Perfluoroalkyl and Polyfluoroalkyl Substances

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Senator Baldacci, Representative Meyer, and Members of the Joint Standing Committee on Health and Human Services thank you for the opportunity to provide testimony in opposition to L.D. 75 as written. The Maine Rural Water Association is a member-driven non-profit organization based in Richmond that specializes in training, technical assistance, and advocacy on behalf of our almost three hundred members. The majority of our membership is made up of water and wastewater utilities from around the state and are committed to ensuring clean and safe drinking water and a healthy environment through the proper treatment of wastewater.

This legislation, while well intentioned, does not consider that current PFAS testing available to water utilities cannot test to zero. Results<sup>1</sup> from mandatory testing, accomplished through L.D. 129 in the 130<sup>th</sup> Legislature, does not list low results as having no PFAS, but often lists it as less than 2, or 1.8 parts-per-trillion. Should this legislation pass as written it is very likely that utilities would receive the best report possible from a test, a non-detect, yet still be in violation of state statute.

This legislation also appears before you months before the PFAS draft rule is due from the Maine Drinking Water Program, and during the comment period for a federal PFAS rule. MRWA respectively suggests that the United States Environmental Protection Agency and Maine Department of Health and Human Services are the proper avenues for setting maximum contaminant levels as they have established processes to do so. While it is well within the Legislature's right to do so, it opens the door for politically motivated and kneejerk levels that are not rooted in the established scientific process. The current proposed federal rule includes analytes that are not included in Maine statute, while simultaneously not including all of the compounds mentioned in L.D. 129. This should highlight the need for these regulations to be made through the rulemaking process to ensure prudence and consistency.

Should this legislation be used as a vehicle to align the State of Maine with a federal regulatory level we would suggest that it is unnecessary due to the mandatory nature of such alignment. While we respect the desire to have PFAS-free water we do not believe this legislation is a practical way to accomplish that and urge you to vote Ought Not to Pass. I am happy to be present at the work session if the committee would like. If you have any questions, please do not hesitate to contact me at [Bradley.Sawyer@MaineRWA.org](mailto:Bradley.Sawyer@MaineRWA.org) or 207-737-9014.

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<sup>1</sup> <https://www.maine.gov/dhhs/mecdc/environmental-health/dwp/cet/documents/pfasResults.pdf>