



15 University Drive
Augusta, Maine 04330
207-623-9511

April 28, 2023

Sen. Joseph Baldacci, Chair
Rep. Michele Meyer, Chair
Joint Standing Committee on Health and Human Services
Maine State Legislature
100 State House Station
Augusta, ME 04333

Re: *Opposition to LD 75 An Act To Establish Maximum Contaminant Levels Under The State's Drinking Water Rules To Prohibit Certain Perfluoroalkyl And Polyfluoroalkyl Substances*

Dear Senator Baldacci, Representative Meyer, and Members of the Health and Human Services Committee:

The Maine Water Utilities Association (MWUA) appreciates the opportunity to provide the following testimony in opposition to LD 75 which proposes to establish a maximum contaminant level (MCL) of PFAS in drinking water of zero nanograms per liter.

About MWUA. MWUA is a nonprofit association based in Augusta that provides support for water works professionals throughout the State of Maine in advocating for safe drinking water through educational and technical programming as well as advocacy on the local, state, and national level. The Association was formed in 1925 and counts approximately 109 water utilities in Maine as members.

Discussion: Per and poly fluoroalkyl substances (PFAS) have been found in sources of drinking water in Maine and in locations across the United States. PFAS are a group of thousands of manmade compounds that have been in use since the 1940s. Because of their stability and persistence in the environment they are also known as “forever” chemicals.

PFAS is one of the most challenging environmental issues drinking water and wastewater systems has faced in modern times. We understand Mainers are concerned about their safety and want PFAS completely out of their drinking water. These compounds have likely been in ground and surface water for decades, but the technology necessary to identify PFAS at very low levels in the environment has only been available for less than 10 years.

In 2021, the 130th Legislature passed a law establishing an interim standard of 20 nanograms (parts per trillion) for the combination of six PFAS compounds. In March 2023, the US Environmental Protection Agency (EPA) proposed national MCL standards for six PFAS compounds. The new EPA standard is 4 parts per trillion MCL for two of the six identified PFAS compounds, far more stringent than Maine’s recently promulgated PFAS regulation. Another four PFAS compounds will be regulated by the EPA through a health index where both the toxicity of individual compounds as well as the combined toxicity of multiple compounds will be taken into consideration. The toxicity of these compounds is a complex science, and we strongly recommend that Maine allow the EPA to regulate these compounds through scientific methods rather than legislating standards that may not be grounded in science.

As drinking water professionals, our obvious preference would be zero contaminants, including PFAS compounds. However, we also need to balance our ideal with the reality that water must be delivered to the hundreds of thousands of Mainers who rely on public water service every day. In this regard, we must accept that the ideal of zero contaminants is unrealistic. In fact, there are no regulated contaminants that have an MCL of zero. This includes compounds like lead and arsenic that drinking water systems tested for and treated for many years. Regarding PFAS, this group of thousands of compounds is ubiquitous in the environment and prevalent in the hydrologic cycle. In other words, it likely falls on the earth in precipitation all around the globe. Regulating PFAS at zero would necessitate installing treatment on every water supply in Maine, both private and public, because it is assumed that some level of PFAS exists in all water. Treating public water to attain a theoretical zero MCL would cost hundreds of millions of dollars, costs paid by our customer (your constituents), with no clear scientific evidence that an MCL of zero is any more beneficial to them than the MCL's already established by the federal government.

Moreover, testing for "zero" likely does not mean that there is in fact zero PFAS in water supplies. That is because the technology does not currently exist to demonstrate the absence of PFAS at such low levels. So, even if a water system shows a "non-detect" for PFAS following testing, it could still be the case that PFAS is present at some undetectable level.

As noted, PFAS standards are a work in progress by state and federal drinking water regulators. We urge the committee to allow the EPA to follow the course of implementation on PFAS regulation. The federal standard will consider both the safety of the public, as well as feasibility to monitor and implement regulatory measures.

Conclusion: Technical regulatory standards should be established based upon known risks and benefits. Public health dollars are more likely to be spent effectively if legislative bodies direct regulatory agencies to develop regulations based upon technical feasibility and scientific data. Although well meaning, LD 75 is not only impossible to implement, and unlikely to result in zero PFAS exposure, but it would result in hundreds of millions of dollars in treatment paid for by Maine's drinking water consumers.

We urge the Committee to reject this legislation by voting ought not to pass.

Yours for safe drinking water,



Roger Crouse,
Chair, MWUA Legislative and Regulatory Affairs Committee
General Manager, Kennebec Water District

cc: Bruce Berger, Executive Director, MWUA
James I. Cohen, Verrill Dana, LLP, Legislative Counsel