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April 22, 2025

Honorable Henry Ingwersen, Senate Chair
Honorable Michele Meyer, House Chair
Joint Legislative Committee on Health and Human Services
100 State House Station
Augusta, ME 04333

Re: *Testimony in Opposition to LD 1326 - An Act to Protect the Drinking Water for Consumers of Certain Water Systems by Establishing Maximum Contaminant Levels for Certain Perfluoroalkyl and Polyfluoroalkyl Substances*

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

The Maine Water Utilities Association (MWUA) appreciates the opportunity to provide testimony in respectful opposition to LD 1326, which establishes statutory maximum contaminant levels (MCL) for per and polyfluoroalkyl substances (PFAS).

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 consists of approximately 86 utility and 60 associate members. Maine's water utilities provide service to approximately 700,000 Maine residents, thousands of Maine businesses and public institutions, and millions of visitors to Maine every year.

Background. In 2021, the 130th Maine Legislature passed a law establishing an interim standard of 20 nanograms (parts per trillion) for the combination of six PFAS compounds intended to provide interim health standards in anticipation of more comprehensive EPA regulations. On the federal level, starting in 2013, the EPA began the process of regulating PFAS in drinking water through the Unregulated Contaminants Monitoring Rule (UCMR), then in 2023 it promulgated PFAS regulations for six PFAS compounds. EPA's regulation utilizes Maximum Contaminant Levels as well as a health index where both the toxicity of individual compounds as well as the combined toxicity of multiple compounds are taken into consideration. In the current round of the UCMR, the EPA is evaluating the presence and toxicity of 29 PFAS compounds, some of which will be added to the federal regulations once the process is completed. It is estimated there are over 12,000 PFAS compounds in existence, only 8 of which have been addressed to date through Maine and federal regulations. PFAS regulation will continue to evolve for many years.

Public water systems have until the end of 2027 to complete the initial monitoring requirements under the new federal rule and, where necessary, reduce PFAS levels accordingly by the end of 2029. Because of Maine's 2021 PFAS MCL legislation, most of the impacted public water systems have already begun monitoring for PFAS, and many have either implemented treatment or are in the process of designing



and building treatment. Current treatment methods address both regulated and unregulated PFAS compounds, which is good news from a public health perspective given the vast number of compounds that cannot even be detected with current analytical methods.

Discussion. LD 1326 proposes to establish in Maine statute a maximum contaminant level for eight PFAS compounds – the six included in EPA’s regulations along with the two on Maine’s list that are not included in EPA’s regulation.

While the details of LD 1326 include some similarities to the new federal regulation, the differences will require water systems to comply with two different standards seeking the same objective.

The following highlights our concerns with LD 1326:

1. Since the passage of the federal Safe Drinking Water Act in 1974, Maine has adopted the federal regulatory standards by reference rather than creating Maine-specific drinking water standards. This has made public water system compliance less burdensome and aligned federal funding with compliance deadlines to ease the financial impact on Maine citizens. Additionally, this pattern of following the federal standards has also simplified the administrative complexity for Maine’s Drinking Water Program, which is part of Maine DHHS. Maine, and most other States, have 50 years of history with using the federal standards as the basis for State regulations. This has been effective in protecting public health.
2. Maine’s Drinking Water Program is obligated through a primacy agreement with EPA to adopt and enforce the EPA drinking water standards. LD 1326 will complicate the regulatory landscape by risking inconsistencies with federal standards without any demonstrated public health benefits.
3. Fixing contaminant levels in statute creates standards that are not easily adjusted based upon new research and science. Having such standards as part of agency regulations allows important flexibility as the science evolves. In this regard, PFAS toxicity and regulation is complex, a moving target that is better addressed by the approach the EPA has taken of studying the most prevalent compounds for occurrence and toxicity, evaluating treatment methods and impacts, then carefully crafting agency regulations to address the health threat while providing funding to offset the enormous costs of treatment and mitigation.
4. As EPA regulation of PFAS contaminant levels evolves, the standards will change over time and likely become more complex and encompassing. With Maine’s standards being different, the DHHS will need to develop Maine-specific guidance that meets both new EPA regulation and the outdated State standards – if possible. This will place significant administrative burden on a State agency already struggling to keep up with all statutory expectations on the state and federal level, particularly if the statutory requirements at the different levels of government are inconsistent with each other.
5. Maine DHHS already has statutory authority to create regulations different from or more stringent than EPA’s. In the late 1990’s, despite no federal standards for regulating MTBE (a gasoline additive which contaminated groundwater in several locations in Maine), DHHS developed a State MCL for MTBE to protect public health. The language in LD 1326 granting

DHHS authority to promulgate rules or set lower standards already exists and is therefore unnecessary.

The toxicity of these compounds is a complex science, and we strongly recommend that Maine allows the EPA to regulate these compounds through scientific methods rather than legislating standards that may not be completely grounded in science and are not easily changed as the science evolves.

Conclusion. Technical regulatory standards like drinking water MCLs should be established based upon known risks and benefits, and they should allow change when required by science. PFAS toxicity and regulation is a complex, a moving target that is better addressed by the approach the EPA has taken – beginning with studying the most prevalent compounds for occurrence and toxicity, followed by evaluating treatment methods and impacts, then culminating in carefully crafted regulations that address the health threat and provide funding to offset the staggering costs of treatment and mitigation. Public health regulations must also be based upon technical feasibility and science, backed up by sound research and data. Although well meaning, LD 1326 will create complexity and confusion for water systems and DHHS staff with no public health benefit, no understanding of the financial impacts, and no funding.

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

Thank you for your consideration,

TBD

cc: Roger Crouse, Chair, MWUA Legislative & Regulatory Affairs Committee
James I. Cohen, Verrill Dana, LLP, Legislative Counsel