



Solutions for a  
Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Vice President of Policy and Advocacy, Defend Our Health  
In Opposition of LD 1903, "An Act to Conform the State's Perfluoroalkyl and Polyfluoroalkyl  
Substances Laws to Federal Standards"

Before the Environment and Natural Resources Committee  
May 2, 2025

Senator Tepler, Representative Gramlich, and members of the Environment and Natural Resources Committee. My name is Sarah Woodbury. I am the Vice President of Policy and 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 extreme opposition of LD 1903, "An Act to Conform the State's Perfluoroalkyl and Polyfluoroalkyl Substances Laws to Federal Standards."

This bill is troubling in its scope and its ceding of state authority to the federal government. Defend has been working on the issue of PFAS in Maine for over 7 years. We have seen several attempts to weaken the good work that this legislature has done on the issue of PFAS contamination. LD 1903 not only attempts to do this, but it also disturbingly puts the health and safety of Mainers in the hands of the federal government instead of the people of Maine. Because this bill touches on so many issues, this testimony will address each section individually instead of more broadly as we generally try to do in our testimony.

Section one of the bill seeks to define what we mean by "PFAS contamination" by setting soil contamination standards for PFOS and PFOA, two of the most studied and dangerous of the thousands of PFAS. The harms of these two PFAS are so widely recognized that they are no longer used in the U.S. For all other PFAS, it wants the state of Maine to follow any guidance put forth by the Environmental Protection Agency (EPA). First off, the soil standards set in this bill for PFOS and PFOA are far too high to be health protective. It appears that the numbers for this bill are taken from old regional screening levels (RSL) put out by the EPA in 2023. The newer RSLs are much lower than the ones referenced in this bill<sup>1</sup>. 0.0063 mg/KG PFOS and 0.000019 mg/kg PFOA. The proposed PFOS threshold is 0.13 milligrams / kilogram. This proposed number is equivalent to *130 parts per billion (ppb)*. This threshold contradicts the standards set by the Department of Agriculture, Conservation and Forestry (DACF) for the PFAS Advisory Fund and could potentially lead to issues when it comes to farmer's ability to access resources from the Fund. Currently, farmers can access funding if their soil contains more than 6.7 ppb of PFOS, which is DACF's Crop Specific Soil Screening Standard at which PFAS in soil contaminates hay crops and then poisons dairy cow milk beyond the legal limit of 210 parts per trillion (ppt). The threshold in the bill is more than 19 times higher than the point at which PFOS in soil could potentially force a dairy farmer out of business. Additionally, the

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<sup>1</sup> Environmental Protection Agency. (2024b, November). *Regional Screening Levels (RSLs)*. EPA.  
<https://www.epa.gov/risk/regional-screening-levels-rsls-generic-tables>

Department of Environmental Protection (DEP) sees a risk of soil contaminating groundwater if it contains more than 1 ppb PFOS, and considers it contaminated under their beneficial reuse standards when it contains 5.2 ppb of PFOS. The proposed standards in this bill are 130 times higher than where DEP sees a risk of leaching to groundwater and 25 times higher than their beneficial reuse standard. For PFOA the proposed threshold is 0.19 mg/kg which is the same as 190 ppb. DEP considers soil contaminated under the beneficial reuse standards if it contains more than 2.5 ppb PFOA. The bill's number is 76 times higher than DEP's beneficial reuse standard.

Setting these standards does not relieve any regulatory burdens for farmers. Farmers are not penalized if their soil contains more than the PFAS Advisory Fund's threshold of 6.7 ppb, they just get connected with DACF's testing program and get access to resources. If farmers opt out of testing at any point, no one at DACF or DEP requires them to allow access. The only regulatory limits for farmers are those on contaminated milk and beef and just last week this legislature passed a bill that allows farmers to work with the department to come into compliance if they exceed the limits laid out under the requirements of the PFAS Advisory Fund. That legislation also allows DACF to set standards for PFAS in various food products through rulemaking, a transparent process that will allow DACF to work with scientists and farmers to come up with appropriate limits for various PFAS in farm products.

In section two of the bill, it would require that the federal EPA drinking water standards be put into statute. Firstly, the DEP does not have jurisdiction over our drinking water standards. The agency responsible is the Maine Drinking Water Program under the Department of Health and Human Services. This committee should refer this section of the bill to the Health and Human Services committee. Additionally, last week, on May 8<sup>th</sup>, the Health and Human Services Committee passed legislation unanimously that sets the EPA's standards into Maine statute. This language is duplicative of legislation that has already passed out of committee.

In section three of the bill, it would allow the federal government to preempt any state authority on regulating PFAS in food packaging. In 2019 the Maine legislature passed legislation banning the use of PFAS in food packaging. The legislation set up a rulemaking process and required the DEP to make sure that there were alternatives that were similar in use and cost. The Department did that work and the law was officially finalized in the 131<sup>st</sup> legislative session. It will go into effect on May 26, 2025. We should allow the law to be fully implemented. Industry has mostly moved away from using PFAS in food packaging due to regulations from a variety of states, not just Maine. This includes industry in Maine. This committee heard from the Forest Products Industry during a different hearing that the packaging of their members was BPI certified, meaning it had to be PFAS free. There is no reason to weaken the PFAS food packaging ban. It is not harming Maine industry. Not to mention, ingestion of PFAS is one of the main sources of PFAS exposure, particularly for children. Why would we want to make it easier to poison our kids? While this bill doesn't reference any particular federal regulation of PFAS in food packaging, likely because there isn't federal law that regulates PFAS in food packaging (although Congress has been trying for years to ban its use), it is incredibly concerning that this bill would cede the authority of Maine's ability to regulate PFAS in food packaging to the federal government. This is egregious. The federal government does not know better than the people of Maine about what is best for Mainers. This sets a dangerous precedent.



Section 4 and Section 5 of the bill requires the DEP to adopt rules for water quality standards and emission standards to match standards. Once again, this legislation is putting the power of setting standards with the federal government, not with the people of Maine. The state already has the ability to adopt any standards or guidance from the federal government. For surface water quality standards, the EPA put those standards out as guidance, not a requirement. States can adopt them if they choose, they can choose to not adopt them, or they can adopt stronger ones. Currently, the EPA hasn't released water quality standards. The state should not be required to blindly adopt water quality standards from the federal government without being able to analyze if those standards make sense for Maine. The federal government has also not set PFAS emission standards. The state can utilize guidance from the federal government, but, similar to water quality standards, it should not have to blindly follow the federal government's standards for PFAS contamination, particularly since the EPA doesn't have a great track record when it comes to protecting the public from PFAS contamination. The state should be able to set its own standards, based on the most up-to-date science, to protect Mainers.

In general, relying on the federal standards and federal definitions is problematic. The states have always led when it comes to protecting the environment and public health. EPA's current definition of PFAS isn't supported by most non-industry scientists<sup>2</sup> and leaves out several thousand PFAS<sup>3</sup> that are currently covered by Maine law. EPA is consistently behind the curve when it comes to these issues. That is only going to get worse over the next few years. Under the President's current budget, there is a 54% reduction in funding for the agency. This will lead to massive cuts in staffing and resources. The EPA certainly won't have the resources to set science-based, health protective standards for PFAS in surface waters, soil, or emissions. The state must be allowed to lead on this issue, to protect both the environment and health of all Mainers. This legislation weakens much of the work the state has done on PFAS, asks this committee to deal with issues that aren't under its jurisdiction, will negatively impact Maine PFAS impacted farmers, and cede power to the federal government. Therefore, we strongly urge you to vote "ought not to pass" on LD 1903.

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<sup>2</sup> Google. (2024, May 7). *Scientists' statement on defining pfas.pdf*. Letter from Scientists re: PFAS Definition. <https://drive.google.com/file/d/1YLB2zvWG5Ez6VeMqqbw77LpVEj0JTj1H/view>

<sup>3</sup> Perkins, T. (2023, August 18). *EPA's new definition of pfas could omit thousands of "forever chemicals."* The Guardian. <https://www.theguardian.com/environment/2023/aug/18/epa-new-definition-pfas-forever-chemicals>



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<b>PFAS thresholds in water and soil:</b>	<b>ppt or ng/kg</b>	<b>ppb or µg/kg</b>	<b>ppm or mg/kg</b>			
<i><b>PFOS thresholds:</b></i>						
EPA's Lifetime Health Advisory Limit for PFOS	0.02	0.00002	0.00000002			
EPA's National Safe Drinking Water Limit for PFOS	4	0.004	0.000004			
Maine's combined drinking water standard	20	0.02	0.00002			
ME PFOS In Soil Beneficial Reuse Standard for PFOS	5,200	5.2	0.0052			
ME's PFOS In Soil Screening Level for hay fed to dairy cows	6,700	6.7	0.0067			
<b>LD 1903's Proposed PFOS Threshold to Define Contaminated Farm Soils</b>	<b>130,000</b>	<b>130</b>	<b>0.13</b>			
<i><b>PFOA thresholds</b></i>						
EPA's PFOA Lifetime Health Advisory Limit	0.004	0.000004	0.00000004			
EPA's National Safe Drinking Water Limit for PFOA	4	0.004	0.000004			
Maine's combined drinking water standard	20	0.02	0.00002			
Maine's Soil Beneficial Reuse Standard for PFOA	0.0025	2.5	0.0025			
<b>LD 1903's Proposed PFOS Threshold to Define Contaminated Farm Soils</b>	<b>190,000</b>	<b>190</b>	<b>0.19</b>			

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