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Testimony of Rep. Lori K. Gramlich in opposition to

LD 1982, An Act to Ensure Uniformity in the Regulation of PFAS

Before the Joint Standing Committee on Environment and Natural Resources

Senator Tepler, Representative Doudera and distinguished colleagues of the Joint Select Committee on the Environment and Natural Resources, my name is Lori Gramlich, and I proudly represent the lovely seaside community of Old Orchard Beach, House District 131. I'm speaking in opposition to **LD 1982, An Act to Ensure Uniformity in the Regulation of PFAS**, which proposes to significantly narrow Maine's PFAS definition.

The bill title suggests that the intention is to create a uniform regulatory environment for PFAS manufacturers and their industrial customers. The PFAS industry has drawn steadily increasing scrutiny over the past two and a half decades as a mountain of evidence accumulates illustrating both the long-term dangers of living with PFAS in the environment and the wildly expensive costs of cleaning up areas polluted by the chemicals.

Maine's existing PFAS definition is succinct, clear and accurate: PFAS are "substances that include any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom."¹ The definition is shared by 23 U.S. states, the Department of Defense and the U.S. Congress and is in close agreement with both the European Union and the Organization for Economic Cooperation and Development. Frankly, that is as close to regulatory uniformity as it gets with contaminants of emerging concern like PFAS. LD 1982's proposed definition is neither supported by the scientific community nor the regulatory community.

A quick recap of how we got here is helpful to understand why Maine's existing definition is important.

The dangers of PFAS were first brought to light by West Virginia cattle farmer Earl Tennant in the late 1990s. His lawsuit sought to hold PFAS manufacturer DuPont accountable for the chemical contamination on Tennant's farm, which was poisoning his surface water and killing Tennant's cows. The discovery process in the lawsuit yielded a trove of paperwork indicating that the DuPont company had been specifically aware of the health risks of its flagship forever

¹ Title 38 MRS §1614(1)(F) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS"

chemical, PFOA, since the 1960s. DuPont was aware, for example, that PFOA was accumulating in the environment, in drinking water and in the blood of the company's employees. DuPont was aware that the chemical damaged the liver and caused prostate, testicular, kidney and pancreatic cancers. DuPont was aware that maternal exposure led to birth defects in developing fetuses. These are the same chemicals that are present in the drinking water of people in Fairfield and Unity right here in Maine.

Once DuPont was forced to phase out production of PFOA, they chose to replace it with a new PFAS known as "GenX" and so on and so forth. Once they find an issue with one PFAS, they slightly change the formula to make yet another PFAS. PFOA is replaced with GenX. PFOS is replaced by PFBS. As scrutiny continues to grow, so do industry attempts to find new formulations and markets for the toxic chemicals, which now number up around 15,000 in EPA's estimate. All 15,000 PFAS contain at least one fully fluorinated carbon atom. The carbon-fluorine bond takes an incredible amount of energy to create and an incredible amount of energy to break. The whole chemical class of PFAS share this virtually indestructible chemical structure, which lends to them their environmental persistence. This is why Maine's definition is so important. It captures all forms of PFAS, regardless of industry attempts to rig the system by slightly changing the chemical structure. That one fully fluorinated carbon atom is consistent, and we need to make sure we can protect Mainers from all PFAS.

LD 1982 proposes to align Maine's PFAS definition with one of the various PFAS definitions used in different contexts by EPA. This change is proposed in the name of "uniformity of regulation." But the current EPA is neither uniform in its approach to PFAS nor does it intend to regulate these chemicals based on the science. Maine Department of Environmental Protection, Maine CDC and Maine Department of Agriculture, Conservation and Forestry are already so far ahead of EPA in their efforts to characterize, evaluate and sensibly regulated the sources of PFAS pollution. We should not hinder their hard work by changing the PFAS definition to appease industry – the same industry that is responsible for the contamination we are dealing with on Maine farms across the state.

Last week, the U.S. EPA announced its intention to delete drinking water protections for four PFAS chemicals, including the PFOA replacement GenX and the PFOS replacement PFBS. EPA has already studied these two chemicals and determined that GenX exposure is associated with cancer and is linked with damage to the kidneys, the immune system and is especially damaging to the liver. While manufacturers like to point out the GenX does not bio-accumulate in the human body, it does plenty of damage as it passes through, and it is even associated with inter-generational health impacts to offspring post exposure.² Meanwhile, EPA understands that PFBS is damaging to the thyroid, reproductive organs, the kidney and developing fetuses.³

As the EPA rolls back its regulatory efforts, we would be foolish to hobble our own state level efforts to tackle forever chemicals by tying our regulations to an underfunded, understaffed

² The Environmental Protection Agency. March 2023. *Fact Sheet. Human Health Assessment for GenX Chemicals*. <https://www.epa.gov/system/files/documents/2023-03/GenX-Toxicity-Assessment-factsheet-March-2023-update.pdf>

³ The Environmental Protection Agency. April 8, 2021. *Fact Sheet. Human Health Assessment for PFBS*. <https://www.epa.gov/system/files/documents/2023-03/GenX-Toxicity-Assessment-factsheet-March-2023-update.pdf>

agency who appears disinterested in protecting against human exposure and continues to allow use of the profitable PFAS currently being manufactured.

We may not have a PFAS manufacturing facility here in Maine, but at least figuratively speaking, we're all downstream from PFAS manufacturers like DuPont and Chemours. We're all vulnerable to the proliferating class of under-regulated, novel PFAS spilling into the marketplace. Consumer products laden with new PFAS wind up in our businesses, in our homes and ultimately in our landfills, and then leach into the Penobscot and Kennebec Rivers, which some of us do rely on for clean drinking water. EPA is failing to act on its knowledge of the chemicals' toxicity and persistence. Maine's carefully crafted PFAS in Products Law gives DEP the tools to phase out the commercial use of these products and ultimately to keep them out of our environment. But DEP's ability to protect us from PFAS is only as good as the definition we provide to the Department.

It is our responsibility as legislators to craft policy that will protect our communities and our environment. Allowing more PFAS to be utilized in the state is in direct conflict with that responsibility. Therefore, I urge you to vote ought not to pass on LD 1982. Thank you.