



Friends of Casco Bay Casco BAYKEEPER

Board of Directors

President
Kirsten Piacentini, *Cumberland Foreside*

Vice President
Ellen Grant, *Portland*

Clerk
Patricia Ianni, *Falmouth*

Treasurer
Malcolm F. Poole, *Scarborough*

Samantha Bengs, *South Portland*
Stephen Bushey, *South Portland*
Nathan Davis, *Portland*
Deborah Debiegun, *Yarmouth*
David Kaufman, *South Freeport*
Peter C. LeBourdais, *Harpswell*
Andrew V. Marsters, *Portland*
Sebastian Milardo, *Little Diamond Island*
Anthony Moffa, *Portland*
Janna Rearick, *Yarmouth*
Soren Schroder, *Cape Elizabeth*
Fiona Wilson, *Freeport*

Honorary Directors

Anthony R. Jessen, *Freeport*
P. Andrews Nixon, *Brunswick*
Donald W. Perkins, *Cape Elizabeth*
Founding President
Joan Benoit Samuelson, *Freeport*

Casco BAYKEEPER, Emeritus
Joseph E. Payne, *Westbrook*

Casco BAYKEEPER
Ivy Frignoca, *Cumberland*

Executive Director
Will Everitt, *Portland*

May 19, 2025

Environment and Natural Resources Committee
Maine State Legislature
Cross Building, Room 216
Augusta, Maine
ENR@legislature.maine.gov

Re: *Friends of Casco Bay's (FOCB) Testimony in Opposition to LD 1982: An Act to Ensure Uniformity in the Regulation of PFAS*

Dear Senator Tepler, Representative Doudera, and Distinguished Members of the Environment and Natural Resources Committee,

Friends of Casco Bay (FOCB) strongly opposes LD 1982, which narrows the definition of PFAS in state laws, fails to include PFAS compounds that cause or may cause serious health and environmental harm, and would leave Maine with one of the most limited and least protective PFAS definitions in the nation. The proposed definition comes from a very specific, limited reporting requirement under Section 8(a)(7) of the Toxic Substances Control Act (TSCA). To arrive at that definition, EPA spent years analyzing data and soliciting extensive public comment before finalizing the definition. EPA does not apply that definition to any other laws that address PFAS. Neither should this Legislature. It should not, at the end of session where constituents have rallied to the state house for help responding to the large AFFF spill in Brunswick, constrict the State's ability to protect citizens from PFAS pollution without robust study and a methodical review of all applicable state laws.

The definition proposed in LD 1982 extends far beyond what EPA contemplated in TSCA. It would apply the definition to laws governing reduction of toxics in packaging, the sale of products containing intentionally added PFAS, the Fund to Address PFAS Contamination, pesticides, renewable energy procurement in contaminated land, firefighting or fire-suppressing foam, waste discharge licenses, licenses to spread septage and the Land Application Containment Monitoring Fund. EPA does not do this. Instead, as science and knowledge evolves, it recommends numeric criteria for specific PFAS compounds, such as PFOA and PFOS, which are known to cause health and environmental harm. States can then adopt those into state law regulating drinking water, pollution discharges, and more.¹

¹ Under the Clean Water Act, EPA has issued recommended freshwater aquatic life criteria for PFOA and PFOS, and acute saltwater aquatic life benchmarks for PFOA and PFOS. Final Recommended Aquatic Life Criteria and Benchmarks for Select PFAS, 89 Fed. Reg. 81,077 (Oct. 7, 2024). Under the Safe Drinking Water Act, EPA issued Maximum Contaminant Levels (MCLs), for six PFAS in drinking water: PFOA, PFOS, PFHxS, PFNA, and HFPO-DA as contaminants with individual MCLs, and PFAS mixtures containing at least two or more of PFHxS, PFNA, HFPO-DA, and PFBS. PFAS National Primary Drinking Water Regulation, 89 Fed. Reg. 49,101 (June 11, 2024). Under CERCLA, EPA designates PFOS and PFOA as hazardous substances subject to reporting, investigation, remediation, and monitoring requirements. 42 U.S.C. § 9602.

Moreover, the proposed definition does not include substances with a single fluorinated carbon or unsaturated fluorinated moieties.² Thus, it excludes certain chemicals such as trifluoroacetic acid (TFA). The problem here is that TFA is a common breakdown product of other larger PFAS, and due to rapidly increasing concentrations and its extreme persistence, studies are calling for immediate action regarding this substance.³ **In fact, most states that regulate PFAS, including Maine, define PFAS more broadly: any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.⁴ The carbon-flourine bond is the strongest single bond in organic chemistry. Therefore, it is essential that PFAS action take a class based approach.**

To reiterate, **this Committee should not, at the end of session, without robust study and without a methodical review of all applicable state laws, adopt a narrower definition of PFAS that leaves Maine with one of the most restrictive laws in the nation and lessens its ability to protect human and environmental health. Please vote that LD 1982 OUGHT NOT TO PASS.**

Respectfully submitted,



Ivy L. Frignoca, Casco Baykeeper
Cell: (207) 831-3067
ifrignoca@cascobay.org



Heather R. Kenyon, Science and Advocacy Associate
Cell: (774) 487-9178
hkenyon@cascobay.org

² This is inconsistent with other scientifically based definitions, such as that produced by the Organization for Economic Co-operation and Development (OECD). OECD, *Reconciling Terminology of the Universe of Per- and Polyfluoroalkyl Substances: Recommendations and Practical Guidance*, OECD Series on Risk Management, No. 61 (2021). This OECD definition was agreed upon by an international group of scientists representing a variety of stakeholder viewpoints, including U.S. EPA scientists, other foreign government agencies, industry representatives, and independent academic institutions. This definition was developed to be easily implementable for distinguishing between PFAS and non-PFAS, and easily understood by experts and nonexperts alike.

³ Arp *et al*, *The Global Threat from the Irreversible Accumulation of Trifluoroacetic Acid*, 58 *Env't Sci and Tech* 45 (Oct. 30, 2024).

⁴ The definition that PFAS are chemicals containing at least one fully fluorinated carbon atom is at use in 22 other states. Two states use a narrower definition: West Virginia and Delaware.