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April 5, 2021

Honorable Stacy Brenner, Senate Chair
Honorable Ralph Tucker, House Chair
Joint Legislative Committee On Environment and Natural Resources
100 State House Station
Augusta, ME 04333

Re: LD 1505 An Act to Restrict the Use of Perfluoroalkyl and Polyfluoroalkyl Substances in Firefighting Foam

Dear Senator Brenner and Representative Tucker:

The Maine Water Utilities Association (MWUA) appreciates the opportunity to provide testimony in support of LD 1505.

About MWUA. The Maine Water Utilities Association 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. While per and polyfluoroalkyl substances (PFAS) have been in use for decades, only in the last 10 years has widespread testing for these substances in water occurred. Additionally, the testing methodology has only improved in the past five years such that PFAS can be detected in the low parts per trillion.

This recent testing has identified PFAS contamination of the environment including groundwater and surface water across the State of Maine. Because of their long-term stability in products and the environment, PFAS compounds are also referred to “forever chemicals.” A discharge of firefighting foam containing PFAS into the environment could lead to PFAS entering groundwater or surface water unless efforts are made to clean up the discharge.

LD 1505 takes several positive steps to reduce the likelihood of future environmental contamination due to firefighting foam, including:

1. Prohibiting the discharge of firefighting or fire suppressing foam containing PFAS when used for testing or training except when the foam is entirely collected for proper disposal.
2. Prohibiting the manufacture, sale, and distribution of such foam unless federal law requires the inclusion of perfluoroalkyl and polyfluoroalkyl substances in the foam.
3. Requiring a person that discharges firefighting or fire-suppressing foam with PFAS to notify the Department of Environmental Protection of the discharge.

4. Requiring manufacturer to recall firefighting foam containing PFAS.

Public water systems, including water utilities, are dependent upon groundwater and surface water supplies for the provision of drinking water to the public. Moreover, almost all sources of supply in Maine are in proximity to human development and infrastructure (e.g. roads and railroad tracks) within the watershed (for surface water supplies) or the recharge area (for groundwater supplies). Consequently, a discharge of firefighting foam on a building site or on a street or highway could occur near almost any source of drinking water supply.

Once these forever chemicals enter a source of supply, it can take years or decades for the compounds to dissipate. While water treatment systems can remove PFAS after-the-fact, the cost to install and maintain this treatment is very expensive. For this reason, it is preferred to limit discharge in the first place.

Conclusion. Removing or prohibiting the use of firefighting foam containing PFAS will reduce the likelihood of ground or surface water contamination. This, in turn, can save a water utility the cost of treatment or the development of a replacement source. Therefore, we strongly urge the Committee to support LD 1505.

Yours for safe drinking water,



Roger Crouse,
Legislative Committee Chair, Maine Water Utilities Association
General Manager, Kennebec Water District

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