

Testimony of Mark Hyland
In SUPPORT of LD 1505, “**An Act To Restrict the Use of Perfluoroalkyl and Polyfluoroalkyl Substances in Firefighting Foam**”
Environment and Natural Resources Committee
May 3, 2021

Senator Brenner, Representative Tucker and members of the Environment and Natural Resources Committee: My name is Mark Hyland. I am the Chair of the Board of Directors for Defend Our Health. I’m also the retired, former Director of the Bureau of Remediation and Waste Management for Maine DEP and the former Director of Operations and Response for the Maine Emergency Management Agency. Please accept this testimony in support of LD 1505, “**An Act To Restrict the Use of Perfluoroalkyl and Polyfluoroalkyl Substances in Firefighting Foam**”

The Threat

We are all well aware of the story of Fred Stone and his dairy farm and how his livelihood was ruined by PFAS contamination. As a result of state-sanctioned spreading of industrial and municipal sludge, Fred Stone’s land is now practically worthless. In addition, Maine DEP has discovered additional sites in the Fairfield area where farmland and adjoining residential properties now have contaminated water supplies resulting from sludge spreading. Dozens of wells contain over 70 ppt and some as high as 20,000 ppt. As a result, DEP is installing water filters in these homes to reduce the concentrations of these PFAS chemicals. But the chemicals from Fred’s land, the farmland in Fairfield and in other agricultural lands around the state continue to leach into the aquifer and contaminate drinking water supplies next to these farms. ***We can’t filter our way out of this problem. We have to reduce the concentrations of these chemicals in the environment to protect people’s health.***

The Problem

So what does firefighting foam have to do with this problem? The common AFFF firefighting foam used to fight large petroleum pool fires contains high concentrations of PFAS. AFFF foam used in fire training, aircraft accidents, and petroleum fires has contaminated ground water and drinking water supplies at Loring AFB, Cutler NCC, Brunswick NAS and Pease AFB, and potentially many other areas at airports, oil terminals, shipyards, paper mills and other industrial settings.

More than 40 Maine Fire Departments have stockpiles of AFFF foam in their firefighting supplies. AFFF foam contains high concentrations of PFAS because the chemicals are resistant to high heat, like petroleum fires, and bind the foam to make it more effective. Other certified foam formulations are available that don’t contain high concentrations of PFAS, pose less health risks, and effectively break down in the environment. Fire departments have adopted them successfully and AFFF foam is no longer manufactured or needed. ***Fire departments could still use this stockpiled AFFF foam to fight petroleum fires at traffic accidents and industrial locations and potentially contaminate additional locations.***

Removing AFFF Foam from the Equation

LD 1505 prohibits discharge, manufacturing and sale of AFFF foam and requires reporting to DEP of a discharge within 24 hours, which will help reduce the amount of PFAS reaching the environment. A critical part of the bill is the recall of AFFF foam and a framework for manufacturer take back and proper

disposal of the foam. Keeping the foam out of the environment keeps it out of landfills, wastewater treatment plants, groundwater, rivers, streams and drinking water.

Maine has successfully used manufacturer take back programs for decades, starting with the “Bottle Bill” and pesticide manufacturers reclaiming out-of-date pesticides and containers. These two programs have been popular and successful for more than 40 years. DEP has managed take back programs for products that contain mercury (automobile switches, thermometers, thermostats, and fluorescent lights) and other chemicals in paint, batteries, cell phones, and electronic waste. The State of Massachusetts has a take back program for AFFF foam.

We need to remove this contaminant from commerce and use. When we were faced with mercury contamination in our streams, lakes, and rivers years ago that contaminated the fish we eat, we pivoted as a state to reduce mercury discharge to the environment by banning batteries, switches and thermometers that contained mercury. We banned blood pressure devices and thermostats that contained mercury and instituted take back programs to eliminate mercury waste from our waste streams. ***We must take the same steps now with PFAS firefighting foams to keep these “forever chemicals” out of our water supplies and from accumulating in the environment.***

Thank you for your time, and I urge you to vote “ought to pass” on LD 1505.