



**Testimony before the  
Environment and Natural Resources Committee  
Sean Mahoney  
Conservation Law Foundation  
May 3, 2021**

**Re: LD 1503 – An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution**

Good morning Senator Brenner, Representative Tucker and members of the Environment and Natural Resources Committee. My name is Sean Mahoney, Executive Vice President for Conservation Law Foundation, testifying in support of An Act to Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution. CLF uses the law, science, and economics to address the challenges and opportunities presented by the climate crisis here in Maine and across New England.

Because PFAS chemicals pose serious risks to Mainers and Maine’s environment, CLF has been urging Maine’s health and environmental officials to take strong action to reduce those risks. In 2018, CLF petitioned Maine’s Department of Health and Human Services to establish a drinking water standard for PFAS.<sup>1</sup> In 2019, after participating in the PFAS Task Force process, CLF called on the Task Force to strengthen its recommendations.<sup>2</sup> In 2020, CLF testified in support of LD 1923, which would allow Maine’s Department of Environmental Protection to access funding for cleaning up PFAS contamination.<sup>3</sup>

CLF supports LD 1503 because it provides for the necessary and orderly phase out of PFAS chemicals in products that have led to the contamination of land and water across Maine, from Dayton to Fairfield and Trenton to Presque Isle. In so doing, LD 1503 will place the burden on manufacturers to remove this harmful class of chemicals from the market except in limited

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<sup>1</sup> Petition of Conservation Law Foundation for Rulemaking to Establish a Treatment Technique Drinking Water Standard for Per- and Polyfluoroalkyl Substances, December 19, 2018, [https://www.clf.org/wp-content/uploads/2018/12/PFAS-Petition\\_12.19.18\\_Conservation-Law-Foundation\\_Maine.pdf](https://www.clf.org/wp-content/uploads/2018/12/PFAS-Petition_12.19.18_Conservation-Law-Foundation_Maine.pdf).

<sup>2</sup> Comments of Conservation Law Foundation on Maine PFAS Task Force Draft Report, December 6, 2019, <https://www.maine.gov/pfastaskforce/materials/report/comments/CLF%20Comments%20on%20Maine%20PFAS%20Task%20Force%20Draft%20Report%2012.6.2019.pdf>.

<sup>3</sup> Testimony of Conservation Law Foundation in Support of LD 1923, *An Act To Define as a Hazardous Substance under Maine Law Any Substance Defined under Federal Law as a Hazardous Substance, Pollutant or Contaminant*, January 24, 2020, <http://www.mainelegislature.org/legis/bills/getTestimonyDoc.asp?id=139144>.

circumstances. There is no dispute that this bill will help protect public health and Maine's environment.

## **I. PFAS Chemicals Pose Serious Risks to Mainers' Health and to Maine's Environment.**

Mainers are exposed to PFAS chemicals in a number of ways, including by drinking PFAS-contaminated water, by eating PFAS-contaminated food, by using products made with PFAS and by breathing PFAS-contaminated air.<sup>4</sup> Scientific studies show that these exposures to PFAS chemicals may: increase the risk of cancer; lower a woman's chance of getting pregnant; interfere with natural human hormones and the immune system; inhibit growth and learning and interrupt thyroid function; and disrupt liver, thyroid and pancreatic function.<sup>5</sup>

Despite these well-known dangers, PFAS chemicals continue to be used widely in products many Mainers rely on every day, including non-stick cookware, water-repellent clothing, stain-resistant fabrics and carpets, cosmetics and fire-fighting foams. Maine's water supplies are also threatened by a number of other PFAS sources. For example, PFAS-contaminated sludge has been spread for decades on hundreds of fields across Maine as fertilizer.<sup>6</sup> PFAS have also been released into the environment through the use and discharge of PFAS-containing firefighting foams.<sup>7</sup> These releases and others have contaminated our environment and our water supplies.

PFAS chemicals are commonly referred to as "forever chemicals" because once they enter our environment and our bloodstreams, they remain for decades. Thus, the threats posed by PFAS chemicals to Mainers and Maine's environment will persist until we start cleaning up the PFAS.

LD 1503 responds to this crisis by getting to the root of the problem – the products manufactured that intentionally include PFAS. Specifically, LD 1503 will require manufacturers of products with intentionally added PFAS to report the presence of those substances in those products to the DEP. beginning in 2023. This bill also prohibits the sale of residential carpets or rugs, and fabric treatments, that contain intentionally added PFAS beginning in 2023. It allows the DEP to name other categories of products to phase-out the use of PFAS and, effective in 2030, products containing intentionally added PFAS may not be sold unless the use of PFAS in a product is specifically designated as a currently unavoidable use by the DEP. Finally, LD 1503 directs the

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<sup>4</sup> Agency for Toxic Substances and Disease Registry (ATSDR), "How Can I be Exposed to PFAS?," <https://www.atsdr.cdc.gov/pfas/pfas-exposure.html>.

<sup>5</sup> Agency for Toxic Substances and Disease Registry (ATSDR), "Per- and Polyfluoroalkyl Substances and Your Health," <https://www.atsdr.cdc.gov/pfas/health-effects.html>; National Institute of Environmental Health Sciences, "Perfluoroalkyl and Polyfluoroalkyl Substances," <https://www.niehs.nih.gov/health/topics/agents/pfc/index.cfm>; U.S. Environmental Protection Agency, "PFOA, PFOS and Other PFASs," <https://www.epa.gov/pfas/basic-information-pfas>.

<sup>6</sup> See, e.g., "Maine Dairy Farm Plagued by Chemical Contaminants May be Tip of the Toxic Iceberg," March 23, 2019, <https://bangordailynews.com/2019/03/23/news/york/maine-dairy-farm-plagued-by-chemical-contaminants-may-be-tip-of-the-toxic-iceberg/>.

<sup>7</sup> "Maine Plans to Search Out Firefighting Foam Containing Forever Chemicals," July 5, 2019, <https://www.pressherald.com/2019/07/05/maine-plans-to-search-out-firefighting-foam-containing-forever-chemicals-3/>.

DEP to create a PFAS source reduction program that provides information, education and, to the extent funds are available, grants to publicly owned treatment works and municipalities to reduce PFAS entering air, water or land. Funds to run this program come from a reporting fee on the manufacturers. In short, LD 1503 provides a start to putting the cleanup funding onus where it belongs, on the shoulders of the manufacturers.

As noted by others today, particularly in the testimony of Defend Our Health, many manufacturers and other states have already begun phasing out the use of PFAS in their products, both because it is in the interests of public health and because alternatives to the use of PFAS are plentiful and widely available. LD 1503 is consistent with those efforts and Conservation Law foundation urges you to support this important legislation and vote “ought to pass.”

Thank you