



JANET T. MILLS  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



MELANIE LOYZIM  
COMMISSIONER

**TESTIMONY OF**  
**KERRI MALINOWSKI, SAFER CHEMICALS PROGRAM MANAGER**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**SPEAKING IN SUPPORT OF**  
**L.D. 1503 “AN ACT TO STOP PERFLUOROALKYL AND POLYFLUOROALKYL**  
**SUBSTANCES”**  
**PRESENTED BY REP. GRAMLICH**  
**BEFORE THE JOINT STANDING COMMITTEE ON**  
**ENVIRONMENT AND NATURAL RESOURCES**

**HEARING DATE:**  
**MAY 3, 2021**

Senator Brenner, Representative Tucker, and members of the Joint Standing Committee on Environment and Natural Resources, I am Kerri Malinowski Safer Chemicals Program Manager at the Department of Environmental Protection (DEP), providing this testimony in support of L.D. 1503.

This bill is consistent with other programs under the Department’s Safer Chemicals umbrella which seek to understand how a chemical with concerning health effects is being used in products sold in Maine so that we can identify and mitigate potential exposures. Similar to the agency’s proposed legislation in LD 960, this bill would require manufacturers to report their use of PFAS in products available for sale in the State. Because there is a lack of specific use

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826

BANGOR  
106 HOGAN ROAD, SUITE 6  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769  
(207) 764-0477 FAX: (207) 760-3143

information available, the collection of information about how PFAS is being intentionally added to products sold in Maine will help provide valuable insight into how PFAS may be exposing consumers and entering our waste stream. The bill also provides some exposure protection for the Maine consumer by prohibiting the sale of carpet, rugs, and fabric treatments made with intentionally added amounts of PFAS. Because we anticipate that similar sales prohibitions in other States are being considered or will have taken effect by the suggested start date in this bill, we expect that most manufacturers in those product sectors will have already abandoned the use of PFAS for alternatives. This would minimize the impact on the business community subject to Maine's regulation.

It is our hope that by eliminating the potential exposure sources listed in this bill, there will be a corresponding decrease in the amount of PFAS found in our waste stream. However, if this does not happen and exposure concerns remain, the proposed bill also creates a process for the Department to consider future product sales prohibitions with ample stakeholder engagement. All balanced with consideration for appropriate exemptions to be determined through the rulemaking process.

The Department is concerned about the expectations of subsection 9, both in terms of its efficacy and the additional resources such a program would require. Creating a PFAS Source Reduction Program, as detailed in this bill, duplicates some of the work already being accomplished by other resources available to manufacturers seeking safer alternatives to PFAS for their products. Because of this, efforts by the Department to educate industry about PFAS and available alternatives may be futile knowing that manufacturers are unlikely to look to our agency for this type of expertise. Particularly considering that DEP's information will most often lag behind others who have better access to up-to-date research and development data

which is more useful to the timely needs of industrial users. Lastly, the Department is already working with wastewater treatment facilities on pretreatment evaluation for PFAS; creating a similar effort through this suggested program would be duplicative.

Thank you for the opportunity to provide these comments. I would be happy to answer any questions.