



**Testimony of Sharon Treat, Institute for Agriculture & Trade Policy
In Support of LD 1505,**

**"An Act To Restrict the Use of Perfluoroalkyl and Polyfluoroalkyl Substances in Firefighting Foam"
Environmental and Natural Resources Committee
May 3, 2021**

Good morning Senator Brenner, Representative Tucker, and honorable members of the Environment and Natural Resources Committee. My name is Sharon Treat and I live in Hallowell. I am Senior Attorney for the Institute for Agriculture and Trade Policy (IATP), on whose behalf I am testifying today in support of LD 1505, "An Act To Restrict the Use of Perfluoroalkyl and Polyfluoroalkyl Substances in Firefighting Foam".

IATP is a nonprofit headquartered in Minneapolis, Minnesota with offices in Hallowell, Maine and other locations. We work closely with farmers to promote local, sustainable and environmentally beneficial agriculture and trade. For the past two years, as PFAS has increasingly been found to have contaminated food and farms, we have been advocating for measures to investigate and remediate PFAS. Equally important is to "turn off the tap" to stop PFAS at the source and hold manufacturers accountable.

A major source of high levels of contamination of groundwater, drinking water, and soils both in Maine and nationally is PFAS in AFFF foam used to fight fires and in firefighter training exercises. The Maine Department of Environmental Protection has collected [significant data](#) indicating that use of this foam on military bases and by fire departments across the state has contaminated soils, fish and water.¹ Once contamination occurs, remediation choices are limited both by ineffectiveness and high cost, and also risk simply transferring these "forever chemicals" from one media to another, e.g., from soils or sludge to air transport and deposition after incineration.

We strongly support LD 1505 which will phase out use of PFAS in firefighting foam except where required by federal law or regulation. Colorado, Minnesota, New Hampshire, New York and Washington State have all [banned PFAS in firefighting foam](#), as has most of the European Union and United Kingdom. Michigan bans use for training purposes. Several other states are considering bans.² Viable alternatives that meet international aviation and marine standards are already on the market. As of April 2019, there were more than 100 fluorine-free foams available from 24 manufacturers.³

¹ PFAS Distribution and Transport in Surface Water, Sediment, and Fish Tissue at a DOD Site Gail Lipfert, PhD Certified Hydrogeologist/Technical Services Barry Mower Biologist III/Environmental Assessment, https://umaine.edu/mitchellcenter/wp-content/uploads/sites/293/2017/04/lipfert_MSWC_-mower.pdf; PFAS Task Force Final Report and Appendices, <https://www.maine.gov/pfastaskforce/materials/report/PFAS-Task-Force-Report-FINAL-Jan2020.pdf> (January 2020)

² Environmental Working Group, It's Time To Switch to PFAS-Free Firefighting Foams, <https://www.ewg.org/news-insights/news/its-time-switch-pfas-free-firefighting-foams>. See Safer State bill tracker for PFAS, <https://www.saferstates.com/bill-tracker/>.

³ A compendium of fluorine-free foams is linked on the website of the Interstate Chemicals Clearinghouse (scroll down), <http://theic2.org/publications#gsc.tab=0>. For more information on alternatives, see European Commission DG Environment/European Chemicals Agency, "The use of PFAS and fluorine-free alternatives in fire-fighting foams, Final report" (June 2020),

We also support the retailer notification, recall and take-back provisions of Sections 2 and 3 of this bill, which place the burden and costs of these measures squarely on the manufacturers, where it belongs. We note that research and data that only recently has been made public by the [Environmental Protection Agency](#) establish that fluorinated containers are transferring PFAS to pesticides stored in those containers.⁴ LD 1505 should be amended to require not only that manufacturers may not intentionally add PFAS to their products, but also that they must ensure that these products are not packaged for sale or transport in containers that have been fluorinated or otherwise contain PFAS that could leach into the firefighting products.

Section 4, which outlines a collaborative interagency approach for developing a framework for the collection and storage of noncomplying firefighting and fire-suppressing foam that isn't returned to manufacturers is also important. Our New England neighbors Connecticut and Massachusetts have AFFF take-back programs from which we can learn.⁵ These are not cost-free, and as noted above, disposal options are limited and expensive. The committee should ensure that any legislation finally voted out of committee includes sufficient funding through manufacturer fees or another polluter-pays mechanism to support the work of the state agencies in effectively implementing and enforcing this legislation. This includes the environmentally sound storage and disposal of AFFF foam, and educational activities and assistance to fire departments throughout Maine, including many that rely exclusively or largely on volunteers.

We urge support of LD 1505 to end the use of PFAS in firefighting foam so that future contamination is prevented as soon as possible. Thank you.

Respectfully submitted,
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https://echa.europa.eu/documents/10162/28801697/pfas_flourine-free_alternatives_fire_fighting_en.pdf/d5b24e2a-d027-0168-cdd8-f723c675fa98

⁴ Per- and Polyfluoroalkyl Substances (PFAS) in Pesticide Packaging, <https://www.epa.gov/pesticides/pfas-packaging>

⁵ Northeast Waste Management Officials' Association webinar, "PFAS: Aqueous Film Forming Foams (AFFF) & Alternatives," April 27, 2021, slides available at <http://www.newmoa.org/events/event.cfm?m=467>