



Testimony of Sarah Woodbury, Director of Advocacy, Defend Our Health
In Support of LD 1503, “An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution”
Before the Environment and Natural Resources Committee
May 3, 2021

Good Morning, Senator Brenner, Representative Tucker and members of the Environment and Natural Resources Committee. My name is Sarah Woodbury. I am the director of advocacy for Defend Our Health, formerly the Environmental Health Strategy Center. Defend Our Health’s mission is to make sure that everyone has equal access to safe food and drinking water, healthy homes and products that are toxic-free and climate friendly. I am here to testify in support of LD 1503, “An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution”.

This bill requires manufacturers of products with intentionally added PFAS to report the presence of those substances in those products to the Department of Environmental Protection (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 in 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 department. The department is required 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.

Maine is currently in the midst of a PFAS contamination crisis. You have all heard the story of Fred Stone and his contaminated dairy farm, which has been destroyed due to PFAS contamination. As a result of state-sanctioned spreading of industrial and municipal sludge, Fred Stone’s land is now practically worthless. And Fred Stone is not the only farmer or landowner impacted. We have all seen the recent stories about the Tozier farm, along with at least 80 wells in properties surrounding the farm in the Fairfield, Benton and Unity Township areas that have been contaminated with toxic PFAS. Those are on top of wells in Presque Isle, Houlton and Trenton, which are also contaminated with PFAS.

Disposal of Products Containing PFAS will Invariably Contaminate our Land and Water

Where does all the PFAS come from? The short answer is us. It comes from all the consumer products that we use that contain PFAS. When we wash the clothing treated with PFAS stain treatments, some goes down the drain. When we use floor waxes with PFAS, some ends up in the bucket going down the drain. When we send compostable paper plates treated with PFAS to commercial compost facilities, it’s ending up in finished compost. In fact, researchers have shown higher levels of PFAS in compost that includes “compostable food service ware”

compared to compost with just yard waste.¹ When we send PFAS containing waste to the landfill, the PFAS will eventually enter the leachate from the landfill.² This leachate is usually sent to local sewage treatment plants, allowing the PFAS to again enter waterways or the sludge. (Stories of PFAS contaminated landfill leachate from New Hampshire being processed in Maine drove headlines and was a source of vexation with our neighbors to the west.³)

Given the near indestructibility of PFAS, the only way we are going to keep them out of our environment, out of our drinking water, and out of food is if we stop it at its source: that is, we eliminate use of this class of chemicals from food packaging, consumer products, and all other uses that are not currently unavoidable.⁴ We cannot simply rely on efforts to perhaps protect ourselves by “shopping our way out of the problem,” that is trying to avoid it by identifying and only purchasing PFAS-free products for our own families. Even if I studiously avoid food packaged in PFAS wrappers, there is no guarantee I won’t be exposed in other ways, such as via drinking water contaminated from the disposal of other PFAS.

LD 1503 Allows Truly Critical Uses to Continue

While most uses of PFAS can be readily replaced with safer substitutes, we recognize there are some critical uses where there is not currently an alternative for the use of PFAS. Undoubtedly industry representatives will highlight to you the use of PFAS in medical devices and in advanced electronics like batteries and solar panels. It’s important to remember that LD 1503 provides a mechanism for these uses to continue. While it presumptively regulates all PFAS come 2030, specific uses, including categories of uses, which serve critical needs can continue. The goal is to move industry away from PFAS uses that, because of their indestructibility, will continue to burden us with disposal challenges, while still recognizing we will have to accept the disposal challenges where the PFAS is truly needed.

DEP will Get the Information and Resources They Need

LD 1503 requires manufacturers to report PFAS use to DEP. This is a critical component to providing DEP with the information necessary to be able to determine sources and volumes of PFAS entering Maine and to ultimately make the determinations required by the bill. This

¹ Lee, Linda & Heather Trim. “[Evaluating Perfluoroalkyl Acids in Composts with Compostable Food Serviceware Products in their Feedstocks.](#)” January 2018 (Revised March 9, 2018). & Youn Jeong Choi, Rooney Kim Lazcano, Peyman Yousefi, Heather Trim, and Linda S. Lee. “[Perfluoroalkyl Acid Characterization in U.S. Municipal Organic Solid Waste Composts.](#)” *Environmental Science & Technology Letters* 2019 6 (6), 372-377 DOI: 10.1021/acs.estlett.gb00280

² Johnsie R. Lang, B. McKay Allred, Jennifer A. Field, James W. Levis, and Morton A. Barlaz. “[National Estimate of Per- and Polyfluoroalkyl Substance \(PFAS\) Release to U.S. Municipal Landfill Leachate.](#)” *Environmental Science & Technology* 2017 51 (4), 2197-2205 DOI: 10.1021/acs.est.6b05005

³ Miller, Kevin. “[Treatment plant discharging into Kennebec River processed runoff possibly laced with ‘forever chemicals’](#)” *Portland Press Herald*. November 6, 2019.

⁴ For more on what could be considered “essential” and non-essential uses of PFAS, and how food packaging uses are all non-essential see: Cousins, et al. “[The concept of essential use for determining when uses of PFASs can be phased out.](#)” *Environ. Sci.: Processes Impacts* (2019)21, 1803-1815.

information can also provide valuable information to consumers, so we can choose to avoid products with unnecessary PFAS.

We recognize that managing and utilizing the information takes resources and that the DEP currently has no program in place for this type of disclosure, so the bill allows the DEP to collect a reporting fee from manufacturers. The DEP can then use that money to run the disclosure program and, with any leftover funding, provide money and grants to impacted municipalities for pollution prevention efforts related to PFAS.

Eliminating Non-Essential Uses of PFAS, Including Its Use in Carpets, Rugs, and Fabric Treatments is Not Only Feasible – It has Already Started

Other states and localities have taken actions to phase out PFAS in different categories and store shelves have not emptied, economies have not collapsed, and the sky has not fallen. In fact, the regulated community is increasingly seeing the writing on the wall and starting to take action nationally.

This is clearly demonstrated with the use of PFAS in carpeting and stain treatments, which LD1503 addresses in the short term. Only a few short years ago, a 2018 report found that half of carpets tested contained PFAS.⁵ This is important both as a significant exposure to young children who crawl on them as well as a waste management challenge. A study published last year correlated the presence of PFAS in childcare center carpets with PFAS in dust. They further modeled children's exposure to that dust and found levels similar to those of drinking water contaminated to the EPA advisory level.⁶ Researchers have found PFAS in leachate from construction and demolition landfills to be significantly higher than from general municipal landfills⁷, which the study's author believes is due to PFAS in carpeting.⁸

Manufacturers and retailers have responded. As further detailed in the factsheet attached to this testimony, the nation's largest home improvement retailers, Lowes and Home Depot, both stopped selling carpets and rugs with PFAS and Lowes committed to ensuring that aftermarket fabric treatments it sells are also PFAS-free. At least four very large international carpet manufacturers have also stated they no longer produce carpet with PFAS. Other states are also taking action, with California and Washington in the process of drafting regulations to address PFAS in carpets and fabric treatments, and our neighbors in Vermont are considering legislation to do so, legislation which already passed its Senate unanimously.

⁵ Changing Markets Foundation. "Testing Carpet for Toxics." December 2018. Available at: <https://www.no-burn.org/wp-content/uploads/FINAL-Testing-Carpet-for-Toxics.pdf>

⁶ Wu Y, Romanak K, Bruton T, Blum A, Venier M. "Per- and polyfluoroalkyl substances in paired dust and carpets from childcare centers." *Chemosphere*. 2020 Jul;251:126771. <https://doi.org/10.1016/j.chemosphere.2020.126771>

⁷ Solo-Gabriele, Helena M. et al. "Waste type, incineration, and aeration are associated with per- and polyfluoroalkyl levels in landfill leachates." *Waste Management*. 2020:107. <https://doi.org/10.1016/j.wasman.2020.03.034>

⁸ Sorg, Lisa. "Your discarded carpet is poisoning the Earth with PFAS." *NC Policy Watch*. April 4, 2020. <http://www.ncpolicywatch.com/2020/04/16/your-discarded-carpet-is-poisoning-the-earth-with-pfas/>

Action is not just limited to carpeting. Since Maine joined Washington State to start to address PFAS in food packaging in 2019, action on that topic has accelerated. A broad swath of grocers and retailers have committed to eliminating PFAS from food packaging, including: Ahold Delhaize (owner of the Hannaford brand),⁹ Whole Foods and Trader Joes,¹⁰ Taco Bell,¹¹ McDonalds¹², and Wendy's.¹³ Other states have also followed suit, with New York joining us and Washington last December,¹⁴ and Vermont poised to do so.¹⁵

In other product categories, IKEA eliminated PFAS in its textiles back in 2016,¹⁶ Staples¹⁷ and Office Depot¹⁸ have committed to eliminating PFAS from their office products, outdoor products retailer REI has committed to eliminate them from ski-wax and fabric coatings by 2023,¹⁹ and footwear manufacturer Keen has committed to eliminating them from all their products by 2025.²⁰

The reality is that alternatives to the use of PFAS are plentiful and widely available, as demonstrated by these major manufacturers and retailers taking action to eliminate these toxic chemicals. While we applaud these voluntary actions, ultimately, where you shop should not and cannot determine the toxics you are exposed to. If we want to prevent another situation like Fred Stone's or what happened in Fairfield, and eliminate PFAS exposure from the environment, we must implement public policy to make these requirements universal. Therefore, Defend Our Health urges you to vote unanimously "ought to pass" on LD 1503.

Thank you for your time.

⁹ Ahold Delhaize USA. "[Ahold Delhaize USA Brands Announce Commitment to Sustainable Chemistry, Transparent Products and Packaging.](#)" September 19, 2019.

¹⁰ Safer Chemicals, Healthy Families. "[Whole Foods, Trader Joe's pledge initial action on toxic PFAS.](#)" December 12, 2018.

¹¹ Taco Bell. "[Taco Bell® Rings In 2020 With Bold New Commitments.](#)" January 9, 2020.

¹² McDonalds. "[Packaging & Waste.](#)" Accessed 4/13/2021.

¹³ Safer Chemicals, Healthy Families. "[Wendy's announces ban on toxic chemicals in food packaging.](#)" April 28, 2021.

¹⁴ 2020 [So8817](#), Signed 12/2/2020.

¹⁵ Vermont General Assembly S.20 "An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products."

<https://legislature.vermont.gov/bill/status/2022/S.20>

¹⁶ Ikea. "Safer life at Home." <https://www.ikea.com/us/en/this-is-ikea/design/safer-life-at-home-pubf563d1a4>

¹⁷ Safer Chemicals, Healthy Families. "[Staples launches new policy to drive toxic chemicals out of office supplies, electronics, textiles, and other products.](#)" October 31, 2019.

¹⁸ Office Depot. "Beyond Restricted Substance List."

https://media.officedepot.com/image/upload/v1612302301/content/od/pdf/BRSL_List_2021.pdf

¹⁹ REI. "REI Product Impact Standards." December 2020.

<https://www.rei.com/assets/stewardship/sustainability/rei-product-impact-standards/live.pdf>

²⁰ Keen. "Let's challenge the outdoor footwear industry to go PFC free by 2025."

<https://www.keenfootwear.com/detox/>

PFAS in Carpets and Upholstery Treatments Are on Their Way Out!

Responding to consumer demand and liability concerns, major manufacturers and retailers have been eliminating “forever chemical” PFAS from carpets as well as stain and water-resistant treatments. Other state governments have started to follow.








	Largest manufacturer of commercial carpets	All products PFAS free ⁱ
	Manufacturer of residential and commercial carpets under multiple brands	All products sold in the US are PFAS free. ⁱⁱ
	Manufacturer of residential and commercial carpets and flooring	Residential products never contained PFAS – commercial free since 2018. ⁱⁱⁱ
	Manufacturer of residential and commercial carpets under multiple brands	All Tandus Centiva branded commercial are PFAS free ^{iv} – others may be.
	Leading Home Improvement Retailer	All carpets and rugs sold in the US & Canada since 2020 has been free of PFAS. ^v
	Leading Home Improvement Retailer	All fabric protection sprays and all residential indoor carpets and rugs sold are free of PFAS. ^{vi}
	State of California	Proposed regulations for carpets and rugs with PFAS ^{vii} , evaluating leather and textile treatments with PFAS. ^{viii}
	State of Washington	Working towards regulations on PFAS in carpets, rugs, and aftermarket treatments by 2023. ^{ix}
	State of Vermont	S.20 bans PFAS in carpets, rugs, and treatments effective in 2023. Passed Senate unanimously in March and currently before the House. ^x

-
- ⁱ <https://blog.interface.com/three-big-myths-chemicals-carpet/>
- ⁱⁱ <https://shawinc.com/ShawPFAS>
- ⁱⁱⁱ <https://www.floortrendsmag.com/articles/104492-engineered-floors-promotes-healthier-spaces-with-purecolor-pet>
- ^{iv} <https://tandus-production.s3.amazonaws.com/content/file/1177/EcoEnsureReleaseFINAL.pdf>
- ^v <https://corporate.homedepot.com/newsroom/phasing-out-products-containing-pfas>
- ^{vi} <https://corporate.lowes.com/our-responsibilities/corporate-responsibility-reports-policies/lowes-safer-chemicals-policy>
- ^{vii} <https://dtsc.ca.gov/scp/carpets-and-rugs-with-perfluoroalkyl-and-polyfluoroalkyl-substances-pfas/>
- ^{viii} <https://dtsc.ca.gov/scp/treatments-with-pfas/>
- ^{ix} https://www.ezview.wa.gov/site/alias_1962/37555/safer_products_for_washington.aspx
- ^x <https://legislature.vermont.gov/bill/status/2022/S.20>

Retailers committed to phasing out PFAS as a class from textiles and other products

A growing chorus of major retailers, from Lowe's to Target, are adopting policies to phase out and ban PFAS (per- and polyfluoroalkyl substances) from textiles and other products. This action is driven by increasing evidence of drinking water contamination by PFAS, the potential for serious health impacts from exposure to these chemicals, increasing government regulation, and pressure from NGOs and consumers to act.

This fact sheet shows the commitments of **7 retail chains with a combined total of more than 8,000 stores and over \$260 billion in annual sales** that have committed to eliminate or reduce PFAS in textiles and other products.

Retailer	Details of commitment	Number of U.S. stores ¹	Total annual U.S. sales ¹
	The Home Depot, the U.S.'s largest home improvement chain, announced in September 2019 that the company will stop purchasing for distribution any carpets or rugs with PFAS by the end of 2019.	1,973	\$102.1 billion
	IKEA restricted PFAS in textile materials in its products in 2016.	50	\$5.3 billion
	Lowe's, the U.S.'s second-largest home improvement chain, announced a commitment in early 2021 that "All fabric protection sprays are free of PFAS chemicals" and in October 2019 stated that all indoor residential carpet and rugs bought by Lowe's for sale in its stores would be free of PFAS by January 2020.	1,727	\$65.5 billion
	In early 2021, Office Depot released a restricted substance list showing that PFAS is restricted in disposable foodware, furniture, and textiles.	1,307	\$6 billion
	In late 2020, REI announced it is restricting PFAS in all private-label and brand-name ski wax products and treatments for gear and clothing by spring 2023.	168	\$3.1 billion
	Staples published a restricted substance list in October 2019 that designated the PFAS class as a priority for "safer alternatives innovation" in disposable foodware, furniture, and textiles.	1,093	\$6.9 billion
	In 2020, Target expanded its policy to address PFAS as a class in textiles, building on its announcement that it had phased out a subset of the PFAS class from own-brand textiles.	1,868	\$77.1 billion
TOTALS		8,186 stores	\$266 billion in sales

¹The number of stores and sales cover 2019 and U.S. locations only. The numbers for all but REI come from here: <https://nrf.com/resources/top-retailers/top-100-retailers/top-100-retailers-2020-list>; for REI, the numbers come from here: <https://www.rei.com/newsroom/article/rei-co-op-publishes-2019-full-year-financial-results#:~:text=SE-ATTL%20%E2%80%93%20Today%2C%20Seattle%2Dbased,digital%20and%20in%2Dstore%20offerings>.