



Testimony of Sarah Woodbury, Director of Advocacy, Defend Our Health  
In SUPPORT of LD 1600, “An Act To Investigate Perfluoroalkyl and Polyfluoroalkyl Substance  
Contamination of Land and Groundwater”  
Before the Environment and Natural Resources Committee  
May 7, 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. We are pleased to support LD 1600, “An Act To Investigate Perfluoroalkyl and Polyfluoroalkyl Substance Contamination of Land and Groundwater.”

PFAS are toxic “forever chemicals” that have been linked to decreased immune system response, they can increase the risk of certain cancers, may lower a woman’s chance of getting pregnant, and have been associated with liver problems and increased cholesterol levels. These toxic chemicals can be found in a variety of products including cookware, food packaging, and textiles, just to name a few. PFAS from these products end up contaminating our soil, food, and water.

This committee has previously heard bills related to PFAS that would help stop the pollution at the source. It’s essential that we try to prevent future contaminations. But, we also need to investigate the extent of the current contamination across the state. In order to do this, we need to make sure we have a good handle on current contamination sites.

The source of the contamination in Fairfield, which not only poisoned hundreds of drinking water wells, but also resulted in some of the highest levels of PFAS ever detected in milk at the Tozier Farm, as well as high level of PFAS in their beef, was municipal and industrial sludge used as fertilizer. This same material was responsible for the ruining of the Stoneridge Dairy Farm in Arundel. Both farms are still hot spots after having the sludge applied decades ago, but limited data shows fields receiving sludge more recently are also contaminated. As noted in the final report from the Governor’s PFAS Task Force, DEP required sludge producers to test the fields where they wanted to apply contaminated sludges in 2019. Over half – 57% – exceeded the state’s screening threshold for just a single PFAS.<sup>1</sup>

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<sup>1</sup> Specifically PFOS. 19% failed on PFOA, which may include some of the same fields as failed on PFOS. DEP only had screening standards for three of the 18-30 PFAS measured by labs. See P. 9 of the Task Force Report, available at <https://www.maine.gov/pfastaskforce/materials/report/PFAS-Task-Force-Report-FINAL-Jan2020.pdf>

Yet despite the alarming pattern of PFAS contamination resulting from the land application of sludges both historically and currently, only a handful of sites have actually been tested for contamination. DEP has a list of more than 700 sites across the state where sludge has been spread. We need to get these sites tested to get a handle on the entire scope of the contamination. LD 1600, as proposed to be amended by its sponsor, would require DEP to test all these sites, using insights from their work in Fairfield and Arundel to prioritize those believed most likely to be contaminated or where the contamination is most likely to result in exposure.

There is no doubt that completing all of this testing will be expensive. The DEP currently doesn't have the resources necessary to take on such a large project. To help alleviate costs, this bill will set up a Land Application Contaminant Monitoring Fund. The monitoring fund will be funded by a \$10 per ton fee assessed on any disposal of septage, as well as industrial and municipal sludge. Currently, a \$10 per ton fee is assessed for landfilling of the sludge. This would double the existing charge and expand that fee to all types of disposal, including spreading sludge on farmland. This places the fee on the sources whose historical disposal have been responsible for the inadvertent contamination.

We also must start addressing the costs of remediation. The cost to farmers has been incredibly burdensome. There is currently little help from the state or federal government to help clean up contaminated farms. This has, for good reason, made some farmers leary of getting their land tested. This bill will require that any unused funds from fees assessed that are left over after five years in the Monitoring Fund will be transferred to the uncontrolled sites fund to be earmarked for cleanup and remediation of contaminated farmland.

Additionally, the proposed amendment from Rep. Gramlich adds a provision to this bill requiring landfill leachate to be tested for PFAS prior to being processed by water treatment facilities. PFAS has been widely identified in landfill leachate,<sup>2</sup> and there are documented examples of leachate known to have high levels of PFAS being brought in from out of state.<sup>3</sup> This PFAS is going to end up in sludge or in the water discharged to our water ways. This source of contamination has been a particular concern of Maine's tribal communities who are more likely to be heavily exposed to PFAS and other bioaccumulative toxins from sustenance fishing. Collecting this data can inform a standard for maximum allowable levels in PFAS in leachate delivered to treatment plants, which the proposal would require be developed by the end of 2024.

We must know the extent of the PFAS contamination across the state in order to begin addressing the issue fully. This bill will allow the DEP to get the data and information necessary to do this. Additionally, it has a dedicated funding stream that will allow them to do this. This bill

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<sup>2</sup> 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

<sup>3</sup> Miller, Kevin. "[Treatment plant discharging into Kennebec River processed runoff possibly laced with 'forever chemicals'](#)" *Portland Press Herald*. November 6, 2019.



will help the state get the information it needs to move forward in addressing the issue. Therefore, we urge the committee to support this legislation and vote unanimously “ought to pass” on LD 1600.

Thank you for your time.