



Statement of the American Chemistry Council
Before the Committee on Health and Human Services
In Legislative Documents 129 and 164

February 9, 2021

Senator Claxton, Representative Meyer and members of the Committee

Thank you for the opportunity to provide testimony on LD 129 and LD 164. My name is Steve Risotto, Senior Director at the American Chemistry Council. ACC supports a national strategy for addressing specific PFAS in drinking water. USEPA has announced its intent to pursue maximum contaminant levels for the two most common PFAS -- perfluorooctanoic acid and perfluorooctane sulfonic acid (PFOA and PFOS) and has an ongoing research effort to prioritize other PFAS for regulatory review. We understand that federal action can proceed frustratingly slowly, but we are concerned about individual state actions regarding these substances that can create public confusion and uncertainty when the actions show such wide variability. Based on our concerns, ACC opposes the prescriptive approach suggested by LD 164 which would put the Legislature's views ahead of those of the scientists at USEPA and the Department of Health and Human Services. On the other hand, we do support the approach to developing state standards outlined in LD 129 with a few suggested changes. We will be submitting some amendments to the Committee in the coming days, but I would like to outline those suggestions for you this morning.

Not all PFAS are the same. As such, proposals to group individual PFAS into a single standard without clear scientific justification is inappropriate. We suggest that the interim standard of 70 parts per trillion created in Section 2 of LD 129 be applied only to PFOA and PFOS, per USEPA's recommendation. Testing should be conducted for all PFAS which can be identified using USEPA analytical methods - but as a basis for identifying whether other PFAS may require the state's attention, not for enforcing USEPA's Health Advisory beyond the two substances for which it was developed.

Based on data collected in other states, the results of the testing to be conducted under Section 2 of the proposal likely will identify a small number of water systems with detections and an even smaller number exceeding the USEPA Health Advisory for PFOA and PFOS. Given this likely result, we recommend that Section 4 of the proposal be revised to indicate that the state should work with water systems exceeding the Health Advisory to find remedies -- rather than placing the burden on the water systems alone. The state-wide cost of implementing treatment or other remedies for the few systems exceeding the Health Advisory likely will be



small, but the cost to an individual system may be excessive - particularly if it unable to pass the costs onto ratepayers.

ACC also suggests that “potential risk to public health” be removed from Paragraph B of Section 4. While it is possible to make a general statement about health effects that have been associated with exposure to PFOA and PFOS, it is not possible to assess potential risks associated with a particular concentration.

Thank you for your attention. I will do my best to answer any questions you may have.

