



Solutions for a
Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Director of Advocacy, Defend Our Health
In SUPPORT of LD 164, “An Act To Establish Maximum Contaminant Levels under the
State's Drinking Water Rules for Certain Perfluoroalkyl and
Polyfluoroalkyl Substances”
Before the Health and Human Services Committee
February 9, 2021

Good Morning Senator Claxton, Representative Meyer and members of the Health and Human Services 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 164, “An Act To Establish Maximum Contaminant Levels under the State's Drinking Water Rules for Certain Perfluoroalkyl and Polyfluoroalkyl Substances”

PFAS have been linked to interference with normal brain development in children, they can increase the risk of some cancers, may lower a woman’s chance of getting pregnant, and have been associated with liver problems and increased cholesterol levels.

These so-called “forever chemicals” are toxic and do not belong in drinking water. The federal government is behind the curve when it comes to dealing with PFAS in drinking water. There is currently no legally binding state or federal limit for PFAS in drinking water. Maine officials have been using an outdated “advisory” level from the U.S. Environmental Protection Agency of 70 parts per trillion (PPT). Top scientists have said this level is not adequately health protective. We will hear from experts more on this, but it is particularly worth noting that scientists are discovering harm to the immune system, including decreased response to vaccines, associated with lower levels. In the age of COVID, the last thing we want is to be exposed to toxic substances that decrease responses to vaccines. Even other agencies within the federal government, including the Agency for Toxic Substances and Disease Registry¹, part of the CDC, and the Director of the National Institute for Environmental Health Sciences has recommended lower safety thresholds for PFAS².

Perhaps most telling, many other states who have independently evaluated the science have already adopted lower levels. Our neighbors in New Hampshire, Vermont, and Massachusetts

¹ Toxic substances portal - perfluoroalkyls. (2018, June). Retrieved February 08, 2021, from <https://www.atsdr.cdc.gov/ToxProfiles/tp.asp?id=1117&tid=237>

² Lerner, S. (2019, June 18). Teflon toxin safety level should be 700 times lower than current EPA Guideline. Retrieved February 08, 2021, from <https://theintercept.com/2019/06/18/pfoa-pfas-teflon-epa-limit/>

have in recent years adopted standards up to ten times lower than the EPA level. That means that water that is being consumed here in Maine would be considered contaminated and illegal to serve in New Hampshire, Vermont, and Massachusetts. Mainers should not be ingesting water that would be considered contaminated in neighboring states.

This is not theoretical. We recently worked with Courtney Schusheim, a Trenton, Maine mom whose children's school had levels that were less than the EPA advisory, but more than what would be allowable in our neighboring states. The state had advised no action was necessary, even though her children were served water in school with twice the levels allowed elsewhere in Northern New England.

That is why we support LD 164. LD 164 sets a maximum contaminant level (MCL) of 20 parts per trillion of a combination of the 6 different PFAS found in drinking water. This standard is the same as Massachusetts and very similar to Vermont's. Vermont's counts five instead of MA's six. It's worth noting that New Hampshire also has a lower limit. They set specific, lower numbers for 4 specific compounds rather than using the combined level.

While we do support the MCL set by LD 164, we do believe that testing our water systems to determine the extent of the contamination is vitally important. We would like to suggest an amendment to the bill, included at the end of my testimony, to add language requiring that all drinking water systems be tested and monitored for PFAS contamination.

We urge the committee to vote yes on LD 164. Thank you for your time.

Drinking water standard and testing requirements for perfluoroalkyl and polyfluoroalkyl substances. Resolved: That community water systems, nontransient, noncommunity water systems, and transient, noncommunity water systems shall comply with the provisions of this section.

1. **Initial monitoring.** On or before December 31, 2022, all community water systems, nontransient, noncommunity water systems, and transient, noncommunity water systems, shall conduct monitoring for PFAS using a state accredited laboratory certified using a standard laboratory method established by the United States Environmental Protection Agency in effect at the time of sampling. Monitoring under this subsection must be conducted for all regulated PFAS contaminants and additional PFAS included in the list of analytes in the most comprehensive standard laboratory methods established by the United States Environmental Protection Agency in effect at the time of sampling.
2. **Subsequent monitoring.** After completion of initial monitoring under subsection 1, a community water system, a nontransient, noncommunity water system, or a transient, noncommunity water system shall conduct continued monitoring for the presence of regulated PFAS contaminants in drinking water supplied by the water system as follows, unless rules are adopted under section 3.
 - A. If initial monitoring under subsection 1 detects the presence of any regulated

PFAS contaminants individually or in combination at or above 20 parts per trillion, the community water system, nontransient, noncommunity water system, or transient, noncommunity water system shall conduct continued quarterly monitoring until regulated PFAS contaminants are mitigated as described in subsection 4.

- B. If initial monitoring under subsection 1 detects the presence of any regulated PFAS contaminants at or above each analyte's lowest concentration minimum reporting level as specified in the standard laboratory methods established by the United States Environmental Protection Agency in effect at the time of sampling and the level is below 20 parts per trillion, either individually or in combination with other detected regulated PFAS contaminants, the community water system, nontransient, noncommunity water system, or transient, noncommunity water system shall conduct continued monitoring annually.
3. **Reporting.** Monitoring results must be reported to the department in accordance with 10-144 C.M.R. Chapter 23I, Section 6. Water systems subject to the requirement to produce a Consumer Confidence Report under Title 40, Part 141 of the United States Code of Federal Regulation shall include the PFAS test results in such report.
 4. **Treatment; notice.** If monitoring results under subsection 1 or 2 confirm the presence of any regulated PFAS contaminants individually or in combination in excess of 20 parts per trillion, the department shall:
 - A. Direct the community water system, nontransient, noncommunity water system, or transient, noncommunity water system to implement treatment or other remedies to reduce the combined levels of regulated PFAS contaminants in the drinking water of the water system below 20 parts per trillion; and
 - B. Direct the community water system, nontransient, noncommunity water system, or transient, noncommunity water system to issue a notice to all users of the water system to inform them of the detected PFAS concentration and potential risk to public health until the treatment under paragraph A is completed.
 5. **Enforcement.** The department may enforce the requirements of this section under the Maine Revised Statutes, Title 22, chapter 601, subchapter 2. A person may appeal the acts or decisions of the department under this section in accordance with Title 22, chapter 60 I, subchapter 2-A.