Testimony of Sharon Treat, Institute for Agriculture & Trade Policy
In Support of LD 960, "An Act To Require Reporting of Perfluoroalkyl and Polyfluoroalkyl Substances, PFAS, in Products and of Discharges of Firefighting Foam Containing PFAS"
Environmental and Natural Resources Committee
April 5, 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 960, "An Act To Require Reporting of Perfluoroalkyl and Polyfluoroalkyl Substances, PFAS, in Products and of Discharges of Firefighting Foam Containing PFAS".

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.

LD 960 takes a first step in addressing contamination caused by PFAS used in a wide range of consumer products and in firefighting foam, by requiring manufacturers to disclose the presence of PFAS in their products and to require reporting of discharges of PFAS into the environment. You can't prevent contamination and identify potential sources of pollution if you don't know where it is, and as a consumer, you can't avoid PFAS-containing products unless the manufacturer reveals that information.

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. Reporting on PFAS in AFFF firefighting products isn't enough; the Maine Department of Environmental Protection has already collected significant data indicating that use of this foam on military bases and elsewhere has contaminated fish and water.[1] We urge the committee to take the next step, and completely phase out use of PFAS in firefighting foam. 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]

We your urge support of LD 960, and encourage the committee to go beyond the disclosure requirements to end the use of PFAS in firefighting foam so that future contamination is prevented as soon as possible. I understand that legislation will be coming before you later this session to do just that. Thank you.

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[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] For information on alternatives, European Commission DG Environment / European Chemicals Agency, The use of PFAS and fluorine-free alternatives in fire-fighting foams**,** Final report (June 2020), https://echa.europa.eu/documents/10162/28801697/pfas_flourine-free_alternatives_fire_fighting_en.pdf/d5b24e2a-d027-0168-cdd8-f723c675fa98