

Comments for the Public Record**The Draft Report
Managing PFAS In Maine
Report of the PFAS Maine Task Force
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**Submitted by;
Jacquelyn C. Elliott
148 West Road
Waterboro, ME 04087
(207) 247-0103
j.c.elliott@roadrunner.com**

Maine Department of Environmental Protection's (DEP) mission: *Legislative mandate directs DEP to prevent, abate and control the pollution of the air, water and land. The charge is to preserve, improve and prevent diminution of the natural environment of the State.*

The Draft Report on per- and polyfluoroalkyl substances (PFAS) is a good first step but continued serious work and action is now required.

All Maine citizens are stakeholders in the issue of PFAS pollution of our air, waters, lands, and bodies. We have the right to clean air, safe water and an environment free of threat from known sources of toxic contamination. Our decision makers and regulators are obligated to act on the evidence before them to legislate, authorize and enact specific, clear, and enforceable policy and regulations that will protect and ensure that citizens of Maine, their air, waters and environs are protected from further contamination by dangerous PFAS chemicals and like hazards.

Maine citizens have already been conclusively harmed by PFAS contamination of their soil and water with loss of livestock, farmland and livelihood. Many lingering deleterious effects are unknown. There must be decisive and prompt action taken by those entrusted with the public health and environmental wellbeing of Maine citizens. Those actions must be structured to prevent, mitigate and provide reparation for those currently known to be adversely affected by these harmful chemicals.

For our legislators, regulators and rule makers to do less is irresponsible and in effect immoral. Our air, lands and waters must not be toxified through unsafe practices. Our food supply must not become unsafe because of production and regulatory failures. As Maine citizens we particularly have the right to a safe water supply whether it is sourced privately, municipally, or commercially.

The fact that PFAS and like chemicals are dangerous to human health and the health of our environment is no longer debatable. The data has established exposure to these toxic products is injurious and lingering. It is past time to act decisively. Our public health,

environment and economy are at risk and the current standards for regulation and restitution are untenable.

I will commence my comments with the subject of sludge waste as this is likely a considerable contributor to the PFAS hazard facing the state. It is indefensible that sludge (an unsafe waste product of sewage treatment and unwanted industrial waste euphemistically renamed by polluters as biosolids) has been and continues to be foisted on farmers and other landowners for spreading as fertilizer. This practice is widespread in Maine. We are finding the outcomes from this practice dangerous and undeniable. In fact the federal Clean Water Act defines sludge as a pollutant. Sludge contains pathogens such as viruses and bacteria; heavy metals like lead, mercury and arsenic; and potent carcinogens such as dioxin. Research shows there are no safe levels of exposure to such toxins as lead, mercury and dioxin and they build up in our environment and bodies. They are particularly harmful to our unborn and developing children. In 1999 Maine took the wrongheaded action and relaxed standards for heavy metals in sludge.

Industry and market pressure relaxed federal standards to allow sludge to be classified as fertilizer. The record is replete with decades of data documenting harm to humans, livestock and the environment resulting from spreading this toxic product on our lands. Producers of these hazardous products currently escape liability and the cost is passed onto citizens with damage to their health; their air, lands and waters; and their livelihoods. Land spreading sludge and allowing it to be utilized in compost production is insidious as it directly contaminates our food supply. And now the menace compounds as we discover that PFAS are included in the threat.

Maine has long ignored the evidence of the risks presented with land spreading of sludge. In response to citizens' concerns in 2001 Toxics Action Center did a study and produced a report on the practice and impacts of land spreading sludge in the state. Legislators and regulators have disregarded the findings and prescription for action provided by citizens and experts in this report. It is nearly two decades since the initial alarm was sounded. Defaulting to inadequate federal regulation and inaction is unacceptable. To citizens, this inaction has the feel of malfeasance and criminal negligence. Maine must be proactive in instituting protections for its citizens. (Please see: *Toxic Sludge In Our Communities: Threatening Our Public Health and Our Farmlands*, Toxic Action Center, 2001. <https://toxicsaction.org/wp-content/uploads/toxic-sludge-in-our-communities.pdf>).

The work of the Task Force must continue to fulfill the mandate per the executive order that established it.

Specific Recommendations:

1. The time for public comment must be extended. Going forward public participation must be included in an open process of developing legislation, policy and regulation. Specific stakeholders from the public must be identified and included in the work of the Task Force and process going forward.

2. The Task Force must institute a proactive assessment of the existing contamination from PFAS with specific actions identified that will protect public health and the environment. These actions must be quantifiable and include a timetable for testing all sludge spreading sites. This assessment must include soil and agricultural products for levels of contamination.
3. The Task Force must engage the Maine Center for Disease Control (CDC) to adopt health risk levels for all PFAS identified with sufficient best available science based data. These risk values should form the basis for Maine to adopt a drinking water standard for total PFAS to include as well all other applicable standards for public health and the environment.
4. DEP must utilize its existing authority under Title 38, to include Chapter 16-D (Products) and Chapter 3 (Water) and require reporting of all PFAS uses focusing on source reduction of these toxins into sewage systems and our rivers. These actions would assist to protect wildlife and water quality. The Task Force must engage with DEP to adopt water quality standards that prevent PFAS contamination. Funding for education and assistance for testing private water sources to identify PFAS contamination should be included. The Legislature should be urged to fund PFAS contamination response through the state budget with the emphasis on preventing PFAS contamination. It should strongly recommend that the Attorney General take appropriate legal action to seek remedy from manufacturers of PFAS. The Legislature should be pressed to extend the statute of limitations to six years of discovery of PFAS pollution for private citizens' actions.
5. The Task Force should charge the DEP to eliminate the land spreading of sludge and sludge amended compost especially those products which exceed current screening levels. Minimally, development and deployment of a quantifiable treatment process must be introduced with the goal of establishing safer regulations. Included in these efforts must be legislation that phases out non-required use of Fluorinated Firefighting Foam and includes a provision for manufacturer take-back responsibility.

Respectfully submitted into the record by,

Jacquelyn C. Elliott
148 West Road
Waterboro, ME 04087
(207) 247-0103
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