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To: [PFAS Taskforce](#)
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Hello,

First I want to certainly echo the comment made at the end of the meeting that the draft was a wonderful effort and everyone who was involved deserves a lot of credit. I particularly appreciate that the average reader may get something out of the clearly stated objectives at the beginning.

One general thought is that we have not responded directly to some of the letters written to us. Two of the more recent ones (one from the American Chemistry Council and one from the Yarmouth Water District) raised the same concern—namely that it would not be appropriate to notify customers if PFASs were found at a lower level than 70ppt and there was mention of such an action being “arbitrary” and “without scientific justification”. I did not hear anyone on our Task Force agree with this position, and from what we already know about PFAS, it seems clear that once our Federal government actually sets an Maximum Contaminant Level (MCL), it considerably lower than 70 PPT for PFOS and PFOA combined and it will include other PFAS compounds as well

But because I imagine others may have a similar concern, **I think it is important that Dr. Smith be clear about his scientific justification for the 10ppt choice. I believe he did a good job in the body of the report on that, but it might help to be a little more clear about why 10ppt. It was mentioned that the levels for other states be included, and I agree. Also I think it would help the average person to understand that, unfortunately, there are other substances in drinking water that also have potential health effects—arsenic, lead, other chemicals, as Dr. Smith has repeatedly pointed out. For that reason, I think it would help to have the discussion of the level chosen included with a general discussion of the challenges of keeping drinking water safe.** Based on the way contaminants are currently reported, it seems likely that any “finding” of PFAS will indeed result in a “notification”. The challenge will be determining what to do about the “notification”. A reasonable solution could be to set the standard for remediation for public water supplies at 10ppt, since it has been repeatedly pointed out that few such will be found. But those that are found serve large and vulnerable populations. At the least a case can be made for reporting any detected PFAS, similar to many other chemical contaminants that are reported upon on all mandated annual water quality reports.

I have taken to heart what the Chair said about making this “our report”. While I fully appreciate the fact that the audience for this report is the Governor, I believe enough in the Governor to believe she would be disappointed if we did not provide our best advice. Ultimately it will be her job and that of the Legislature to decide how much of a priority this public health problem will be for Maine as set against the many other public health needs.

It might be useful to explain that the timetable for the implementation of many of these recommendations will be dependent on available resources as determined by funding priorities set at the state and federal level.

As you know I advocated for a **Financial Section** in the narrative part of the report. The purpose of this would be to explain the current financial burdens imposed by PFAS along with some glimpse into the future costs—for government agencies and for private citizens. I think the Task Force as a whole supported this idea as it is clearly necessary for the Governor, the Legislature and Maine people to understand the burden this contamination is creating. **This section might be divided into two parts—a part that focuses on the burdens placed on government agencies and a part that focuses on the potential financial impacts for individual Maine people.** And in touching on the latter, it would not be out of place to mention what this whole issue turns on, namely, that there are likely to be some adverse health effects which will be expensive in and of themselves to say nothing about the terrible impact on certain Mainers of those specific adverse effects. We all know that a health problem prevented is far less expensive and painful than one which is treated. **At present, current financial estimates of the cost of adverse health effects related to PFAS indicate that such costs will dwarf those of clean-up.** While this cannot be quantified for Maine at present, it does not hurt to mention that the issue is out there. In one of my previous emails I sent a reference for health information, **The Cost of Inaction** by the Nordic Council of Ministers, 2019. I can forward the report again if needed.

Here are some of the costs, more easily quantified, that might be mentioned and I am sure there are others.

- Resources that have been and are being used by state agencies (I had asked for this once before and got a pretty good estimate)
- Costs for A) testing and for B) remediation of contaminated community and non-community, non-transient water supplies
- Costs for A) testing and for B) remediation of private wells
- Costs for soil testing as currently being conducted and as recommended
- Costs for sludge testing on an on-going basis as being recommended
- Costs related to AFFF (replacement of the product)
- Costs that must be assumed by waste treatment facilities when farmland spreading of waste products is not possible and these residuals must be disposed of in a different way.

It is, as the Commissioner has often said, not possible to satisfy everyone. If some of what I am advocating here cannot be included in the bulk of the report, I hope it will be included in any “minority” considerations.

Possibly the financial section is a place to make clear that many of the recommended actions will be completely dependent on obtaining resources, with those determined to be high priority getting just that, a high priority.

But, for what is included in the full report, I think it is very important to be as clear as possible about what action steps are recommended and how those relate to the “principles”, which are really more “goals”. I understand that my suggested format may not survive (people do like their own cooking best), but I do hope it will get a good look and that some of the ways the

action steps are stated might resonate with those who spoke for more clarity as well as more prioritization. The same recommendations and information could certainly be organized around the Governor's Order, while still leaving the principles at the front. But if the present format (without the bullets) is maintained, I also recommend the moving of some action items from one goal to another in certain cases for clarity. For example, an action item about legislation for authority over PFAS was moved from "waste management" (#5) to "Determining contamination" (#3) because AFFF is a problem and there may be other examples of contamination not directly tied to waste management.

#1. Providing Safe Drinking Water

- Support legislation to require all community water systems to test for PFAS and to notify their customers of results and to recommend remediation for levels above 10ppt. This level is subject to change as new scientific information becomes available. This is a high priority.
- Support legislation to require all non-community, non-transient water systems to test for PFAS and to notify their customers of results and to recommend remediation for levels found above 10ppt. This level is subject to change as new scientific information becomes available. This testing should be phased in with priority placed on those systems within X number of feet of known PFAS contamination or that serve vulnerable populations, such as schools and day care centers. Resources must be sought to support this recommendation.
- Resources must be sought to support testing and remediation of private wells near known or suspected PFAS contamination areas.
- Support legislation to require all bottled water sold in Maine to be tested for PFAS.

#2. Protecting Our Food Supply

- Restrict agronomic utilization and land application of PFAS-containing residuals according to specific guidelines based on scientific assessment of the risks related to ongoing contamination, pending a scientific determination of the best way to dispose of PFAS-containing residuals. This is a high priority and is already in progress.
- Investigate all potential sites of PFAS contamination with a high priority placed on those sites that may be associated with food production.
- Begin PFAS testing of produce grown on PFAS contaminated sites, including corn and hay, used in the dairy industry, and expand testing to include produce sold for human consumption.
- Continue testing of retail milk supply for PFAS contamination
- Continue testing of fish tissue from fish caught near known sites of PFAS contamination and issue additional health warnings if PFAS contamination exceeds the level already required by mercury contamination
- Continue testing of shellfish caught near known sites of PFAS contamination.

#3. Determining the Extent of Current PFASs Contamination in Maine and Acting to Address that Contamination as Needed

- Set up a plan for investigating all known sites of previous sludge spreading, industrial release of PFAS, or release of AFFF in training exercises, based on available historical information, prioritizing the testing of those sites thought to be at highest risk of

- contamination and posing a potential risk to human health. This is a high priority action.
- Support legislation to require that fire departments report to the Department of Environmental Protection (DEP) all known sites where training exercises using AFFF took place.
 - Support legislation to amend Maine's Uncontrolled sites law to include pollutants and contaminants, which would give the state authority to require the removal and treatment of PFAS when there is a danger to the public's health. This is a high priority.
 - Establish clean up standards for soil and groundwater

#4. Identify and Reduce Sources of PFAS Contamination

- DEP use its existing authority to require reporting of PFAS discharges into sewage systems and rivers
- Support legislation that would require manufacturers to report the intentional use of all PFAS in manufacturing and consumer products and use safer alternatives when available. This is a medium priority
- Support legislation that would require fire departments to report current stocks of AFFF to the DEP and any discharge of that product. This is a high priority.
- State of Maine procurement guidelines should discourage the purchase of PFAS-containing products.
- Stop accepting PFAS contaminated waste materials from other states

#5. Assuring Responsible Waste Management and Disposal of PFAS

- Require regular testing of residuals for PFAS prior to land spreading or commercial use in Maine. This is a high priority.
- Support legislation that would authorize the Board of Environmental Protection to update DEP's screening levels for individual PFAS and other constituents through routine technical rulemaking so those levels can be kept up to date. This is high priority.
- Continue efforts to investigate the availability of treatment and disposal technologies that minimize the potential for PFAS contamination and can safely destroy PFAS.
- Promote the development of infrastructure needed to manage PFAS-contaminated wastes safely and in a cost-effective manner.

#6. Assuring Public Education

- Develop appropriate informational materials to inform the general public about PFAS-- how to reduce use of PFAS tainted materials, how well water may be testing and the significance of PFAS contaminated drinking water. These materials to be widely available on web pages, training events and fairs.
- Develop specific appropriate targeted educational materials for those who are in occupations at a higher risk of exposure.

#7. Seeking Urgent Federal Action

a) Establish the Significance of PFAS and Reduce Sources to the lowest possible levels

- The United States Environmental Protection Agency (U.S.EPA) must add PFAS to the

hazardous substance list under the (CERCLA) authority. This is a high priority

- Congress should require manufacturers to reduce and eliminate the use of the PFAS family in non-essential applications with high potential for human exposure, such as dental tape or gymnasium floor wax.
- Congress should require manufacturers (domestic and foreign) of consumer products to report **all** use of PFAS compounds in products sold in the United States
- The Federal Aviation Administration and Department of Defense should identify effective forms that do not contain PFAS and should eliminate requirements for firefighting foams to contain PFAS

b) Protection of workers

- The Occupational Safety and Health Administration (OSHA) and the National Institute of Occupational Health and Safety (NIOSH) must establish exposure limits for **all** workers exposed to PFAS

c) Protecting Drinking Water

- The U.S.EPA should establish a maximum contaminant level for PFAS in drinking water, which should also apply to bottled water. This is a high priority

d) Protecting the Food Supply

- To minimize dietary exposure, the U.S.EPA should establish PFAS adulteration levels for all foods. This is a high priority

e) Waste Management

- The Agency for Toxic Substances and Disease Registry (ATSDR) should finalize toxicity values for PFAS found in environmental samples
- Based on the work of ATSDR noted above, the U.S. EPA should update regional screening values to include the additional screening level guidelines
- The U.S. EPA should certify additional laboratory methods to measure PFAS in various media (groundwater, wastewater, soils, other solids and ambient air)

f) Financial Support (see financial section)

- The U.S. Department of Agriculture should establish additional sources of funding support for farmers impacted by PFAS contamination, similar to the Farm Service Agency's Dairy Indemnity Payment Program
- Congress should allocate funds for state action to address drinking water contamination, firefighting products needs, food safety, and education of the public in the form of grants.

#8 State Funding for action and Legal Support for Damage Claims (see financial section)

- Introduce and support a bond initiative to raise money for the costs of PFAS sampling, remediation and drinking water treatment. This is high priority
- Allocate resources from appropriate state of Maine accounts to specifically address the needed work on the recommendations included in this report.
- Assure adequate staffing to conduct the recommended action steps.
- Ask the Attorney General to investigate legal actions being taken in other states to

recover from responsible parties the costs related to the adverse health and environmental impacts of PFAS contamination with a view to determining if such action might be taken by Maine.

- Support legislation to change the statute of limitations for private actions to recover damages for PFAS contamination to six years from the discovery of the contamination.