



MAINE RURAL WATER ASSOCIATION

PO Box 263 • 254 ALEXANDER REED RD
RICHMOND, ME 04357
PHONE: 207-737-4092 • FAX: 207-737-7150
E-MAIL: MRWA@MAINERWA.ORG
WEBSITE: WWW.MAINERWA.ORG

December 6, 2019

Dr. Meredith Tipton, Chair
PFAS Task Force
VIA EMAIL

Re: Comments on PFAS Task Force Draft Final Report

Dr. Tipton:

The Maine Rural Water Association and our members are dedicated to the public health of the residents of Maine and recognize the impact that PFAS has on their wellbeing. We sincerely thank Governor Mills for recognizing the importance of this issue, and dedicating state resources to learn more about the causes, effects, and possible solutions to the issue of PFAS. The members of the Task Force should also be praised for their diligent work on this issue. Our comments are below on the draft of the Final Report from the Maine PFAS Task Force.

Identifying and Reducing Sources of PFAS:

Requiring manufacturers to report PFAS use without setting an acceptable limit is not an effective way to reduce the amount of PFAS the public is exposed to. This may serve as a reasonable stop-gap measure to learn who the major PFAS contributors are in the industrial sector but will not ultimately decrease the level of products that contain PFAS released in the environment.

As the Task Force acknowledges, a significant source of PFAS released into groundwater supplies is due to Class B AFFF and industrial residuals. Reporting future discharges and instituting a take back program is a positive step in limiting the exposure of AFFF in the future and MRWA supports those efforts. There is, however, a large amount of foam that has previously been deployed and the State should compile a comprehensive list of historic AFFF discharge sites to better investigate the safety of the drinking water in the surrounding areas. Previous large industrial discharges should be documented for the same reason. These issues are not mentioned in the draft of the Final Report but are ones we feel should be included as these discharge sites meet the threshold of “prioritized locations” and are critical to understanding the dispersion of PFAS in our state.

Providing Safe Drinking Water:

As noted in the report, there is no regulated contaminant that currently has a notification level set at “any level of detection.” We agree that PFAS should be regulated by the Maine Drinking Water Program but argue the requirements should not be initially set stricter than those of all other contaminants. The notification limit should be set after a scientific review process that adequately determines a reasonable limit and is defensible to all parties involved. Until that process takes place, we do not support mandatory public reporting for PFAS below the federal advisory threshold.

Protecting our Food Supply:

The Maine Rural Water Association agrees that federal action is needed on the topic of PFAS. Regulation of food, packaging, and processing equipment are critical to reducing PFAS and those guidelines must come from the federal government. We do not agree that restrictions

on residuals are appropriate as the current research by the DEP and CDC indicate soil to plant uptake linkage is not as strong as initially believed. Restrictions in this area could cause immediate changes for wastewater utilities and significantly raise costs for ratepayers. We do not support restrictions until stronger evidence is found regarding agronomic uses of residuals.

Responsible Waste Management:

The requirement to test residuals implies that there is an acceptable limit, which must be defined in regulation. We believe that because PFAS is ubiquitous and affects so many different sectors of society, any rulemaking considerations reach far beyond that of routine technical. Regular testing must also be defined. With funds provided by the state, testing will become easier but increasing regularity of these tests without corresponding funding will place a substantial strain on wastewater districts.

Public Education:

We support the goals laid out in this section. A coordinated approach should be developed by the relevant agencies and stake holders to ensure that the state is moving forward in a single direction. As new data is uncovered the same entities should work to present a unified message. As these messages are generated a great deal of thought should be paid to the potential domino effect they can cause. We must guarantee that the public is properly educated on the issue of PFAS without creating unneeded panic or confusion. Failure to do so will result in both and could lead to public distrust in the science and/or process. It is crucial that this effort is executed in language intended for the general public. A thoughtful public discussion around PFAS will come from an informed citizenry.

Demand for Federal Action:

MRWA supports the recommendation that PFAS be addressed at the federal level. Source reduction and eventual elimination will be the most effective way to decrease the amount of PFAS in the environment. Establishing limits for PFAS in drinking water, food supply, and waste management are also critical so affected entities have a singular target to hit. Regulations should not be finalized before harmful levels are determined through a rigorous peer reviewed process. A rush to rulemaking without adequate evidence may cause unnecessary actions and create undue financial burdens on municipal and private partners.

The need for federal guidelines is also highlighted by the current quilt-like standards that are being established on a state by state basis. All people should feel confident that their government is keeping them safe, regardless of the state in which they reside. Interstate commerce regulations may also be brought into the discussion as entities attempt to move residuals containing PFAS across state lines with differing regulations.

Funding for State Actions:

MRWA agrees that significant funding is needed to combat the problem of PFAS in our state and supports the idea that all avenues should be explored to secure the necessary funding. Water and wastewater utilities are critical partners in the treating and disposing of materials that contain PFAS and they are not able to quickly undertake additional processes that will be required should stricter regulations be put into place without substantial financial assistance. The vast majority of water and wastewater districts are municipal or quasi-municipal entities, and as such the financial burden of any new regulation is shouldered by the general public.

Additional Comments:

The Maine Rural Water Association is honored to represent water and wastewater utilities across our state. Our members prioritize public health above all else and will comply with regulations from the state and federal governments regarding PFAS. With that said, many of our members are small utilities with limited budgets and are not prepared to make large capital expenditures on short notice. The lack of a fiscal note attached to this report is concerning. We encourage the state to evaluate the level of funds needed to undertake any recommendations made within this report. We strongly believe that state funding should be available to community and non-community non-transient water supplies that will be required to test and treat for PFAS.

The concern over PFAS as a threat to public health continues to grow. Until we can reduce the amount of PFAS entering our state, water and wastewater utilities recognize that they stand on the front line in preserving public health. They will continue to work with regulators to find the best solutions available to them. However, treatment will not be the ultimate solution to this problem. PFAS chemicals surround us, and we must focus on reducing the amount created. Research has shown this is a worthwhile approach. Blood serum tests of PFOA and PFOS have shown roughly an 80% reduction since the manufacture of these specific chemicals was banned in the United State in the mid-2000's. With PFAS a ubiquitous contaminant we must look to eliminate the source instead of cleaning up the mess.

As water and wastewater providers, protecting public health is our primary mission. We accomplish this through a set of laws and regulations that define what is protective of human health and what is not. These clear boundaries not only help us meet our responsibilities, but also helps the public understand how their health is protected. We look to the Task Force to develop recommendations for setting these boundaries, for without them, the water and wastewater industry is left awash in uncertainty.

Respectfully submitted,

Bradley Sawyer
Maine Rural Water Association
Director of Government Affairs