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GROUNDBREAKING PFAS BILLS IN MAINE

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Augusta, Maine, July 15 – Products containing toxic PFAS ‘forever chemicals’ will no longer be allowed in Maine by 2030, unless the chemicals’ uses have been specifically designated by the Department of Environmental Protection (DEP) as currently unavoidable. LD 1503, which became law today, is a significant step forward for Maine, but also provides a national model for policymakers to eliminate all but the “essential” uses of PFAS in products.

“For over two years, Mainers have been learning about the devastation PFAS caused Fred Stone, the Toziers, and countless families with contaminated farmland and drinking water. Today, we are seeing State policymakers forcefully respond,” said **Patrick MacRoy, Deputy Director of Defend Our Health**, a public health organization that worked with both experts and community advocates to promote the legislation. “I am proud to see Maine taking action that will change the conversation on how PFAS are regulated, not only addressing the entire class, but creating the requirement to avoid these persistent and toxic chemicals wherever possible.”

While the conversation on PFAS in Maine has often been centered around contamination in drinking water and soil, much of that contamination starts with consumer products that contain PFAS. Toxic PFAS are used in every day products such as cookware, clothing, food packaging, textiles, and car seats. Exposure to small amount of certain PFAS have been associated with numerous health issues, including certain cancers, harm to the immune system that dampens the effectiveness of vaccines, and increased cholesterol levels.

“The more we study PFAS, the more we learn of their harm to human health. Maine should be congratulated for taking proactive action to work towards eliminating unnecessary uses of PFAS in all products,” said **Linda S. Birnbaum Ph.D., D.A.B.T., A.T.S, former Director of the National Institute of Environmental Health Sciences and the National Toxicology Program.** “I hope Maine’s efforts serve as a model for other policymakers to protect all of us.”

While other states have already taken action to phase out specific non-essential uses of PFAS, such as in food packaging, carpeting and other consumer products, Maine is the first state to require a comprehensive inventory of PFAS use and establish a procedure to eventually eliminate all currently unavoidable uses.

“The structure of PFAS means they are not going to break down and will be with us for a very long time. It’s critical that we start avoiding unnecessary uses of these chemicals,” said **University of Rhode Island Professor Rainer Lohmann, Director of the multi-institution NIEHS Sources, Transport, Exposure & Effects of PFAS (STEEP) Superfund Research Center project.** “Maine’s law sets a national model for regulating PFAS by ultimately eliminating uses except when the use is both absolutely necessary and safer substitutes are not available. This approach will not only help protect us all, but will help drive innovation in safer chemistries.”

Starting in 2023, the law requires manufacturers to report all uses of PFAS to the DEP and prohibits the sale of carpets or rugs, and fabric treatments, that contain intentionally added PFAS. It allows the DEP

to name other categories of products to phase-out the use of PFAS in and, effective in 2030, products containing intentionally added PFAS may not be sold unless the use of PFAS in a product is specifically designated as a currently unavoidable use by the department. This exemption allows for uses that are critical for health, safety, or the functioning of society, such as in medical devices or advanced electronics like batteries or solar panels.

“This precedent setting policy in Maine is at the forefront of expanding state efforts to protect their citizens from toxic chemicals and puts industry on notice that now is the time to move to safer alternatives,” said **Sarah Doll, National Director at Safer States**, a network of diverse environmental health coalitions and organizations in states around the country that works to prevent harm to people and the environment caused by dangerous chemicals.

Requirement for Testing of Contaminated Farm Fields and Groundwater

Also becoming law today is LD 1600, which will require the state to systematically test both soil and groundwater for PFAS contamination at the more than 500 sites where either industrial or municipal sewer sludge was used as fertilizer over the last forty plus years. Following the discovery of PFAS contaminated milk and widespread groundwater contamination, public health advocates have been calling upon the state to identify and start testing other sites that received similar sludge applications.

“This law will protect public health by prioritizing testing of sludge and septage spreading sites that have the most potential to contaminate water and food, with significant ongoing funding,” said **Sharon Anglin Treat, Senior Attorney at the Institute for Agriculture & Trade Policy**. “Cleanup and remediation must follow, and the just-passed state budget includes additional funding to help farmers who have been negatively impacted by PFAS. Maine is not the only state where PFAS has contaminated farms and food, but it is the only state I am aware of that has created such a comprehensive program. But Mainers shouldn’t have to face the financial and health

consequences of PFAS on their own. We need federal action and funding now to hold manufacturers accountable and to help pay for the costs of this environmental crisis.”

“The tragic stories of Maine farms ruined by PFAS contaminated sludge being used as fertilizer demonstrate all too well the need to comprehensively address PFAS entering the waste stream,” said **Sonya Lunder, Senior Toxics Policy Advisor of the Sierra Club**. “Today’s action to require the testing of all locations where sludge has been historically used in Maine serves as a model for what must be replicated across the country to begin to get a handle on this problem.”

Eliminating PFAS from Firefighting Foams

Maine will now also join a diverse range of other states in prohibiting the sale of firefighting foams containing PFAS starting next year as a result of another bill now law, LD 1505. Fire departments in Maine will be able to return PFAS foams to their manufacturer in order to replace existing stocks with PFAS-free alternatives. There is no prohibition against using existing foams to extinguish fires while departments make the transition.

Firefighting foam, especially at sites such as training facilities and airports where it is repeatedly used, has been associated with contamination of groundwater. It is, however, also an occupational health issue, as firefighters have higher rates of cancer and other health issues than the general public, in part because of their exposure to toxic chemicals like PFAS.

“We were pleased to see the overwhelming bipartisan support to help protect the health of our firefighters by phasing out the use of PFAS containing firefighting foam unless required by federal law.

Firefighters have a much higher risk of cancer due to exposure to these and other toxic chemicals while on the job. LD 1505 is an important step in helping to protect the health of our firefighters,” said **Michael J. Crouse, President, Professional Fire Fighters of Maine**.

Legislation Advanced with Near Unanimous and Bipartisan Support

Demonstrating that protecting Mainers from toxic chemicals is an issue that transcends political divisions, all three bills were models of bipartisan cooperation and support. Each bill received a unanimous “ought to pass” vote out of the Joint Environment and Natural Resources Committee and were unanimous or nearly so in chamber votes.

“PFAS contamination is at a crisis level here in Maine— it’s in the soil, groundwater and common household items throughout our state, from York County to Aroostook County,” said **Rep. Lori Gramlich (D-Old Orchard Beach), the sponsor of all three bills.** “I am grateful to my colleagues in the Legislature for supporting these bills. However, this is a problem that can’t be solved in one Legislature. For the health and well-being of all Mainers, it is critical that we continue leading on efforts to test and remediate PFAS contamination and stop it from being used in manufactured goods.”

“PFAS contamination has affected far too many communities here in Maine. It was important to me to work to find ways to help those communities and to stop further contamination. I was pleased to work with my colleagues to advance several pieces of legislation that will help stop further contamination at the source and provide resources for testing and remediation,” said **Sen. Rick Bennett (R-Oxford), who co-sponsored all three bills.**

“Maine is in the midst of a PFAS crisis. The legislature recognized the need to take action to help address the current crisis and to stop future contamination,” said **Sarah Woodbury, Director of Advocacy at Defend Our Health.** “We were incredibly pleased by the broad, and in most cases, unanimous bipartisan support for all of the PFAS bills before the legislature. While there is still much work to do, the actions taken by the legislature will help protect the health and environment of Mainers across the state.”

“This past legislative session was a triumph in eliminating PFAS from the environment. Of particular note is the broad, bipartisan

cooperation that enabled several critical PFAS-related bills to pass,” **said Matthew Cannon, Campaign and Policy Associate Director, Sierra Club Maine Chapter.** “Although we still have much work to do to protect people and our planet from these toxic chemicals, the bipartisan nature of Maine’s new laws shows that cooperation is possible, and that we can eliminate toxic chemicals from our environment.”

Maine Governor Janet Mills signed LD 1505 addressing firefighting foam on Friday, July 9. She took no action on the other two bills within ten days after their enactment by the legislature. In accordance with the Maine constitution, the two bills therefore became law without her signature.

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