Maine Work Boots Alliance

April 7, 2022

Melanie Loyzim, Commissioner
Maine Department of Environmental
Protection17 State House Station
Augusta, Maine 04333

RE: Support of the Minority Report on LD 1911

Dear Commissioner Loyzim:

I'm writing on behalf of Casella Organics to respectfully urge the Department to support the minority report on LD 1911. This version of the bill would preserve the Department's conservative screening standards for PFOS and PFOA (5.2 ppb and 2.5 ppb, respectively) in biosolids and establish ceiling concentrations for PFOS (50 ppb) andPFOA (25 ppb) in biosolids. This would create the most stringent biosolids PFAS standards in the country.

Our concern with the majority report is that it singles out biosolids as the primary route of exposure to PFAS contamination. One of our goals is to dispel that notion and point out that, because of its ubiquitous nature, PFA compounds are present in a wide variety of products, including those used in conventional and organic agriculture. In the interest of fairness and sound policy, all agricultural fertilizers, composts, and other soilamendments should be held to the same quality standards with respect to PFAS.

We commissioned the sampling and testing of 13 so-called Organic-approved agricultural products. They run the gamut from seafood and leaf and yard waste composts to hen manure to liquid fertilizers. An independent laboratory collected the samples from mostly off-the-shelf bagged organic products. The samples were then sent to Eurofins LLE for analysis using Modified Method 537.1 (isotope dilution) for 23 primary PFA compounds. A summary table of the results is attached. The table was simplified to contain those PFAS that have drinking water MCLs and an annotation if other analytes were detected; however, the full table and supporting documents are available for your review.

The results support a broader application of PFAS regulation. All but two of the products tested had detectable levels of PFAS, some exceeding the screening levels. This is consistent with other research conducted worldwide. ([1]Beecher and Brown, 2018;[2] Choi et al., 2019; [3] Lazcano et al., 2020; [4]Sivaram et al., 2022). In the interest of public health, organic products should be held to the same standard as biosolids

and biosolids-based products.

I appreciate the difficulties the Department is facing and the work you personally have done to provide relief to those affected by industrial-type PFAS contamination. Similarly, I appreciate the Department's effort to develop a consistent, fair, science- based policy for PFAS treatment and regulation. For that reason, it is imperative that the Mills Administration support to the minority report for LD 1911. When US EPAdelivers the results of their science-based deliberations, we will be able to make defensible regulatory changes.

Sincerely,

Jeff McBurnie
Maine Work Boots Alliance, Casella Waste Services

Cc: Tom Abello, Senior Policy Advisor, Governor Mills' Office

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[1]Beecher, N. and S. Brown. Biocycle (2018), Vol. 59, No. 5.

[2]Choi, Y. J., R. K. Lazcano, P. Yousefi, H. Trim, and LS. Lee. Perfluoroalkyl Acid Characterization in U.S. Municipal Organic Solid Waste Composts. Environ. Sci. Technol. Lett., 6 (6) (2019), pp. 372-377

[3]Lazcano, R. K., Y.J. Choi, M.L Mashtare, and LS. Lee. Characterizing and comparing per-and polyfluoroalkyl substances in commercially available biosolid and organic non-biosolid-based products Environ. Sci. Technol., 54 (14) (2020), pp. 8640-8648.

[4]Sivaram, A.K., L. Panneerselvan, A.Surapaneni, E.Lee, K. Kannan, and M. Megharaj. Per- and polyfluoroalkyl substances (PFAS) in commercial composts, garden soils, and potting mixes of Australia. Environmental Advances, Vol. 7 (2022).

Bold - exceeds screening level

Product Testing PFAS Results 2022

Date Updated: **4/5/2022**

Most Limiting Compound - ME DEP

Sampled by Katahdin Analytic Services, Scarborough, ME

1900 **5.2** **2.5** ME DEP CH. 418 App. A Screening Levels (ng/g; ug/kg; ppb)

Sample Type	Sample ID	Lab	Sample Date	T.S. (%)	PFOS (ng/g)	PFOA (ng/g)	PFHpA (ng/g)	PFNA (ng/g)	PFDA (ng/g)	PFHxS (ng/g)	Other PFAS?
Commercial Organic Products											
Seafood Compost - Coast of Maine Penobscot Blend	COMPOST-PB	Eurofins LLE	3/16/2022	56.7							Yes
Seafood Compost - Coast of Maine Quoddy Blend	COMPOST-QB	Eurofins LLE	3/16/2022	65.9	0.35J						Yes
Seafood Compost - Coast of Maine Stonington Blend	COMPOST-SB	Eurofins LLE	3/16/2022	23.5							No
Leaf & Yard Waste Compost - Sprague Nursery	COMPOST-LY	Eurofins LLE	3/16/2022	65	0.78J	0.46J			0.32J		Yes
Seafood Compost - Benson's Surf & Turf	COMPOST-BST	Eurofins LLE	3/16/2022	45.5	0.90J	0.63J					Yes
Commercial Fertilizer - Groundworks 10-10-10	FERT - 101010M	Eurofins LLE	3/16/2022	88.1							No
Bone Meal - Espoma	FERT - BM	Eurofins LLE	3/16/2022	93.3	0.81						No
Organic Fertilizer - Espoma Garden-Tone	FERT - GT	Eurofins LLE	3/16/2022	92.1	**15cn**						No
Organic Fertilizer - Neptune's Harvest Plant Food	FERT - NH	Eurofins LLE	3/16/2022	98.6	0.41J		0.34JI				Yes
Liquid Organic Fertilizer - Neptune's Harvest	FERT- NHL	Eurofins LLE	3/16/2022	21.4	4.6cn	0.96Jcn		3.0cn	2.0Jcn		Yes
Dried Hen Manure	FERT - DHM	Eurofins LLE	3/16/2022	88.9	**33cn**						No
Hen Manure, Fresh	FERT - HF	Eurofins LLE	3/16/2022	32.6	1.4J						Yes
Food Waste Compost - We Compost It	COMPOST-WC1	Eurofins LLE	3/17/2022	57	0.83J	**4.1**	0.76J	0.47J	1.9		Yes
Food Waste Compost - Mr. Fox	COMPOST-MF	Eurofins LLE	3/17/2022	45.4		**5.2**	0.93J		1.6		Yes

cn - Refer to Case Narrative for further detail

See Method PFC_IDA narrative below. QC results outside acceptable range, but recovery was high so results reported.

J - Result is less than the RL but greater than or equal to the MDL and the concentration is an approximate value.

I - Value is EMPC (estimated maximum possible concentration).

Method PFC_IDA: The recovery for the labeled isotope(s) in the following sample(s): FERT-GT (410-76696-8) and FERT-DHM (410-76696 -11) is outside the QC acceptance limits. Since the recovery is high and the native analyte(s) is not detected in the sample, the data is reported.

Method PFC_IDA: The sample injection standard peak areas in the following sample: FERT-NHL (410-76696-10) is outside of the QC limits for both the initial injection and the re-injection. The values here are from the initial injection of the sample.The recovery for the labeled isotope(s) in the following sample(s): FERT-NHL (410-76696-10) is outside the QC acceptance limits. Since the recovery is high and the native analyte(s) is not detected in the sample, the data is reported.