

THE MAINE PFAS TRACKER

Pierce Atwood LLP offers this summary of Maine Per- and Polyfluoroalkyl Substances (PFAS) standards as a convenience in evaluating PFAS and tracking Maine Department of Environmental Protection (DEP) regulatory and Maine legislative developments. We update this Maine PFAS Tracker when there are important new actions (if you found this on the Pierce Atwood LLP website, then you are seeing the most recent version). Levels are provided below in parts per million (ppm), parts per billion (ppb), or parts per trillion (ppt), depending on the matrix typically involved.

WHAT'S NEW IN THIS EDITION? The state of Maine is currently undertaking several legislative and executive initiatives to monitor and manage PFAS:

Maine DEP:PFAS in Products: The PFAS in Products Program was initially enacted in Public Law 2021, c. 477, An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution (LD 1503, 130th Legislature), but was significantly amended by Public Law 2023, c. 630, An Act to Support Manufacturers Whose Products Contain Perfluoroalkyl and Polyfluoroalkyl Substances (LD 1537, 131st Legislature, effective August 9, 2024). Importantly, the 2024 legislation eliminates the general notification requirement that was previously scheduled to take effect January 1, 2025. This legislation also created a number of new sales prohibitions for products with intentionally added PFAS with varying effective dates, created some specific exemptions to the prohibitions, and established a new reporting program for those product categories that receive a Currently Unavoidable Use (CUU) determination from the Department.

The Department is now in the process of making CUU determinations for specific products containing intentionally added PFAS that are within a prohibited category beginning January 1, 2026. The deadline for manufacturers of such products to submit proposals for CUU determinations using the Department's online [CUU proposal form](#) was June 1, 2025. See [38 MRS § 1614\(1\)\(B-1\)](#). On July 30, DEP issued a draft CUU designation rule specific to the use of PFAS in two cleaning product containers products, the BEP held a public hearing on the draft rule on August 21, and the BEP accepted public comment until September 2.

The Department expects that this routine technical rulemaking process will range from a period of 4 to 6 months, indicating that a decision on this first wave of CUU determinations may be made by the end of 2025.

- Going forward, CUU proposals will be grouped into a single rulemaking at least one time during the year – in other words, proposals for CUU received after a rulemaking is initiated will likely be grouped into the next scheduled rulemaking. Products captured by the subsequent sales prohibitions scheduled to begin in 2029, 2032, and 2040 may submit CUU proposals no earlier than 60 months before the sales prohibition begins and no later than 18 months before the prohibition begins.

2025 Legislative Session:

The following PFAS related bills will become law:

- [No. 130](#) *An Act to Establish the PFAS Response Program and to Modify the Fund To Address PFAS Contamination*

- This bill directs the Department of Agriculture, Conservation, and Forestry (DACF) to establish a comprehensive PFAS Response Program designed to allow DACF to abate, remediate, and otherwise mitigate the risks and hazards that PFAS pose to the State's agricultural producers and to the integrity of the food supply. Through the program, DACF must establish maximum levels for PFAS in farm products, provide PFAS testing support and technical expertise to farmers, support research efforts necessary to advance scientific understanding of PFAS in agricultural systems, and in some cases, provide financial assistance to PFAS-impacted farms.
- [No. 222](#) *An Act to Establish a Take-back and Disposal Program for Firefighting and Fire-suppressing Foam to Which Perfluoroalkyl and Polyfluoroalkyl Substances Have Been Added*
- [No. 987](#) *An Act Clarifying Exemptions from the Notification Requirements for Products Containing PFAS*
 - This bill amends 38 M.R.S.A. § 1614 (PFAS in Products Law) to expand the scope of vehicles and equipment exempt from notification requirements for products in which PFAS is deemed to be a currently unavoidable use. Under the amendments motor vehicles including off-highway and specialty vehicles, personal assistive mobility devices, farm equipment (tractors, implements, machinery, utility tractors), forestry, construction (including compact), mining, turf, yard, and garden equipment, outdoor power equipment, portable aviation equipment, racing vehicles, internal combustion engines, various power sources (generator sets, electric batteries, fuel cells), products for electricity generation and distribution, telecommunications infrastructure and devices for transmitting voice, video, and data, and power tools are all exempt from notification requirements.
- [No. 1326](#) *An Act to Protect the Drinking Water for Consumers of Certain Water Systems by Establishing Maximum Contaminant Levels for Certain Perfluoroalkyl and Polyfluoroalkyl Substances*
 - This bill requires community water systems – public water systems that serve at least 25 year-round residences -- and non-transient noncommunity water systems – schools, office buildings, and factories – to sample their water for PFAS starting in January 2026. The bill sets maximum contaminant levels as follows: PFOA (4 ppt), PFOS (4 ppt), PFHxS (10 ppt), PFNA (20 ppt), PFHpA (20 ppt), PFDA (10 ppt), HFPO-DA (GenX) (10 ppt), PFBS (2,000 ppt). Sampling must be conducted periodically, and the frequency of testing is dependent on PFAS sample concentrations. Beginning in January 2029, if PFAS exceed designated levels the community water systems must implement a treatment or remedy to reduce the level of PFAS to below 20 nanograms per liter (the state standard) and notify all users of the PFAS contamination.
- [No. 1604](#) *An Act to Protect Groundwater and Surface Waters from Perfluoroalkyl and Polyfluoroalkyl Substances from Landfill Leachate*
 - This bill requires landfills to test their leachate for PFAS quarterly and empowers the Maine DEP to set leachate limits. Once those limits are set, landfills will have to ensure their leachate complies with the limits before discharging any wastewater that contains leachate.

- No. 1786 *An Act to Require the Department of Environmental Protection to Provide Certain Information Regarding Perfluoroalkyl and Polyfluoroalkyl Substances to the Public and Private Drinking Water Well Owners*
 - This bill requires the Maine DEP to post on its website and in any other manner necessary to inform the public of current federal EPA standards and to inform and provide resources to landowners with private drinking water wells when the DEP has knowledge or suspects the drinking water well may be contaminated with PFAS.

One bill was approved by the legislature but is not yet approved by governor Mills:

- [No. 222](#) *An Act to Establish a Take-back and Disposal Program for Firefighting and Fire-suppressing Foam to Which Perfluoroalkyl and Polyfluoroalkyl Substances Have Been Added*
 - This bill requires the DEP to, in consultation with the Department of Public Safety, design and implement a take-back and disposal program for firefighting and fire-suppressing foam to which PFAS have been intentional added by July 1, 2027.

The following bills were carried over to the next legislative session:

- [No. 493](#) *An Act to Expand Testing for Perfluoroalkyl and Polyfluoroalkyl Substances to Private Drinking Water Wells*
- [No. 582](#) *An Act to Require Health Insurance Carriers to Provide Coverage for Blood Testing for Perfluoroalkyl and Polyfluoroalkyl Substances*
- [No. 1111](#) *An Act to Provide Water Service Infrastructure to Fairfield Residents Affected by Perfluoroalkyl and Polyfluoroalkyl Substances*

EPA:

1. PFAS Reporting: At the federal level, on October 10, 2023, the Environmental Protection Agency (EPA) published in the [Federal Register](#) its final rule establishing reporting and recordkeeping requirements for PFAS under the Toxic Substances Control Act (TSCA), triggering an effective date of November 13, 2023. Under this rule, entities that manufacture (including import) or have manufactured PFAS in any year since January 1, 2011, have 18 months following the effective date of the rule (24 months for small article importers) to submit information to EPA regarding PFAS uses, production volumes, byproducts, disposal, exposures, and existing information on environmental or health effects. This is a one-time reporting requirement that covers 12 calendar years. Records that document any information reported to EPA must be maintained for five years.

2. CERCLA Designation: Effective July 8, 2024, EPA designated PFOA and PFOS as Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances. The rulemaking will have substantial impacts to the state because Maine considers any substances deemed hazardous under CERCLA as a Maine hazardous substance regulated under the Maine Uncontrolled Hazardous Substance Sites Law.

3. Drinking Water Standards: On April 10, 2024, EPA finalized nationally enforceable drinking water standards for six PFAS – PFOA, PFOS, PFNA, PFHxS, PFBS and HFPO-DA (GenX

Chemicals). Under the rulemaking, EPA set a 4.0 ppt limit on PFOA and PFOS and a 10.0 ppt limit on PFNA, PFHxS and GenX Chemicals in drinking water. EPA also set a 1.0 Hazard Index limit for any mixture of 2 or more of the following PFAS: PFNA, PFHxS, PFBS, and HFPO-DA. Less than a year later, on May 14, 2025, EPA announced its intent to extend the PFOA and PFOS Maximum Contaminant Level compliance deadlines and to establish a federal exemption framework. The agency expects to propose the rule this fall and finalize it in spring 2026. EPA also announced its intent to rescind the regulations and reconsider the regulatory determinations for PFHxS, PFNA, HFPO-DA (commonly known as GenX), and the Hazard Index mixture of these three PFAS plus PFBS. The following tracker provides up-to-date information on standards, regulatory actions, and legislation.

Maine

I. Maine PFAS Screening Levels (see [June 2021 summary](#))

1. Maine Drinking Water Maximum Contaminant Levels

PFOA, PFOS, PFHpA, PFHxS, PFNA, and PFDA Alone or Combined 20 ppt

This interim standard was established on June 21, 2021, with the signing of P.L. 2021, c. 82. **Maine DEP [Chapter 418](#), Beneficial Use of Solid Wastes, Appendix A – screening concentration – (secondary materials)**

	PPM	PPB	PPT
PFOA	.0025	2.5	2,500
PFOS	.0052	5.2	5,200
PFBS	1.9	1,900	1,900,000

These concentrations are also being applied as screening levels to residuals regulated under DEP [Chapter 419](#), Agronomic Utilization of Residuals. If screening levels are exceeded, a “closer look” by the Department will occur. See Memorandum from David Burns, DEP to licensed facilities that land apply, compost, or process sludge in Maine, RE: Requirement to analyze for PFAS compounds, March 22, 2019 (available [here](#)).

Maine plans to adopt the federal EPA PFAS regulations once the Rule is promulgated. The Final Rulemaking for the Maine Drinking Water Maximum Contaminant Levels is expected imminently.

2. Maine DEP Soil Remedial Action [Guidelines](#) (mg/kg) effective November 15, 2023

	LEACHING TO GROUND- WATER	RESIDEN- TIAL	COMMER- CIAL WORKER	PARK USER	RECREAT OR SEDIMENT	CONSTR- UCTION WORKER
PFBS	0.11	26	340	74	85	230
PFBA	0.36	110	1,600	300	350	2,000

PFHxS	0.00047	1.7	22	4.9	5.7	5.1
PFHxA	0.13	43	560	120	140	130
PFNA	0.0046	0.26	3.4	0.74	0.85	0.77
PFOS	0.001	0.17	2.2	0.49	0.57	0.51
PFOA	0.017	0.26	3.4	0.74	0.85	0.77

3. Maine DEP Groundwater Remedial Action Guidelines (ppb) effective November 15, 2023

	RESIDENTIAL	CONSTRUCTION WORKER
PFBS	6.0	32,000
PFBA	19	28,000
PFHxS	0.39	310
PFHxA	9.9	10,000
PFNA	0.059	42
PFOS	0.04	75
PFOA	0.06	110

The DEP Water Remedial Action Guidelines incorporate a standard that is the sum of a group of PFAS compounds (termed Class II PFAS) that currently includes: PFHxS, PFNA, PFHpA, PFOA, and PFOS.

4. Maine DEP Fish Tissue Remedial Action Guidelines (mg/kg) effective May 1, 2021

PFOS	3.5
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As noted above, the DEP has proposed revisions to the RAGs which would significantly lower the RAG thresholds and expand the number of PFAS chemicals subject to RAGs.

5. Maine Foodstuffs Action Levels

	PFOS
Milk	210 ppt
Beef	3.4 ng/g

6. Maine Crop-Specific Soil Screening Levels for Dairy Farms Action Levels (PFOS only)

	SOIL TO HAY TO MILK	SOIL TO CORN- SILAGE TO MILK	SOIL TO HAY AND CORN- SILAGE TO MILK
Grass-Based Farm	6.8 ng/g	120 ng/g	6.4 ng/g
Average Maine Farm	13.8 ng/g	54.8 ng/g	11.0 ng/g

II. Maine DEP Actions

1. PFAS Testing

The state of Maine is currently undertaking several [initiatives](#) to manage and abate PFAS in our natural environment and in our products. These initiatives include monitoring PFAS levels in soil and groundwater at sludge and septage sites, leachate testing, and investigating PFAS in remediation sites across the state.

Since 2021, the DEP has been developing and implementing a program to monitor PFAS in areas that have been covered with sludge and septage by testing the soil and groundwater. The state is monitoring the soil at these land sites and nearby drinking water wells. When the DEP identifies sources of well water that exceed the interim limit for PFAS, the agency coordinates with homeowners to ensure that they have access to safe drinking water.

Beginning in 2021, the state has been monitoring and testing leachate (contaminated liquid draining from landfills) for PFAS. Sampling will continue through the fall/winter of 2023. DEP is also monitoring and testing PFAS at remediation sites across the state.

The state has launched an interactive [PFAS Investigation Map](#), which identifies the locations where groundwater (residential well drinking water), soil, fish, surface water, and wastewater samples have been collected and analyzed for various PFAS.

2. PFAS in Products Rulemaking

Notably, Maine has begun the process of regulating PFAS in products. In particular, in 2024 DEP promulgated a rule that implements a phased ban on the sale of products with intentionally added PFAS, unless the product is determined to be a “currently unavoidable use” (CUU). The rule closely mirrors *An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution, which was enacted in April 2024*. For more information, please see the [“What’s New in this Edition”](#) section at the top of this report.

3. PFAS in Food Packaging Rulemaking

On April 18, 2024, the Board of Environmental Protection approved final adoption of [Chapter 80 Section 5](#) to prohibit PFAS use in certain types of food packaging sold in Maine. The statute provides that this prohibition goes into effect two years following the date of the Department’s final determination. The Secretary of State has assigned an effective date of May 25, 2024, for this rulemaking. Therefore, the effective date of this prohibition is May 25, 2026.

III. Prior Legislation

1. *An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution*

On April 17, 2024, the Maine Legislature amended 38 M.R.S.A. § 1614 (PFAS in Products Law). The amendments include:

- a. Exemptions from the required phase-out of products with intentionally added PFAS for the following products:
 1. Firefighting or fire suppressing foam;
 2. Medical devices, drugs etc. regulated by the FDA;
 3. Veterinary products regulated by the FDA, USDA or EPA;
 4. Products developed for public health, environmental or water quality testing;
 5. Motor vehicles and motor vehicle equipment;
 6. Aircraft;
 7. Watercraft;
 8. Semiconductors; and
 9. Non-consumer laboratory equipment or electronics
- b. Changes to the phase-out period. Under the new amendments, products sold or distributed with intentionally added PFAS will be phased-out incrementally starting in 2026:
 1. January 1, 2026: Cleaning products, cookware, cosmetics, dental floss, juvenile products, menstruation products, ski wax, upholstered furniture and most textiles
 2. January 1, 2029: Artificial turf and outdoor apparel for wet weather (unless the apparel includes a disclosure)
 3. January 1, 2032: All other products except for refrigerants, cooling, and heating, ventilation, and air conditioning equipment
 4. January 1, 2040: Refrigerants, cooling and heating, ventilation, and air conditioning equipment
- c. A restriction on the manufacturer notification requirement so that only manufacturers who sell or distribute products with intentionally added PFAS that the DEP has determined is a “currently unavoidable use” must report
- d. Clarifying language that allows the DEP to exempt a product or product category with intentionally added PFAS that is considered a “currently unavoidable use” for 5 years
- e. An exemption for manufacturers with 100 or fewer employees

An Act to Support Manufacturers Whose Products Contain Perfluoroalkyl and Polyfluoroalkyl Substances

Following discussions with stakeholders, and more than 3,000 PFAS reporting extension requests from manufacturers, the Maine Legislature amended 38 M.R.S.A. § 1614 (PFAS in Products Law). The amendments, which were signed by Governor Mills on June 8, 2023, include:

- a. Extending the deadline for reporting intentionally added PFAS in products from January 1, 2023 to January 1, 2025

- b. Requiring manufacturers to provide a brief description of any products containing intentionally added PFAS and report their annual state or national sales volume by product unit
- c. Allowing companies to report the total amount of organic fluorine in their product if the PFAS level is unknown
- d. Exempting manufacturers with 25 or fewer employees
 - 1. Exempting used products or used product components from PFAS reporting requirements
- e. Prohibiting the sale and distribution of products containing intentionally added PFAS if the manufacturer has failed to meet the reporting requirements (subject to exceptions)
- f. Applying the law retroactively from January 1, 2023
- g. *Resolve, To Address Perfluoroalkyl and Polyfluoroalkyl Substances Pollution at State-owned Solid Waste Landfills*

Under this law – which was approved by Governor Mills on May 2, 2022 – the Department of Administrative and Financial Services (DAFS) and Bureau of General Services (BGS) must conduct a study of methods for treating leachate. The purpose of the study is to evaluate the feasibility of installing treatment technologies that can reduce PFAS concentrations in leachate to below the interim drinking water standard (20 ppt) in Maine’s state-owned landfills. In January of 2023, the DAFS and BGS published a [study](#) summarizing treatment alternatives for reducing PFAS in leachate from State-owned landfills and the projected costs associated with implementation. Enacted by P.L. 2022, c. 172.

An Act to Require the Registration of Adjuvants in the State and to Regulate the Distribution of Pesticides with Perfluoroalkyl and Polyfluoroalkyl Substances

On April 28, 2022, the legislature approved a law prohibiting the sale and distribution of pesticides that contain PFAS. The law will go into effect starting January 1, 2030. Governor Mills allowed the bill to become law without her signature. See 7 M.R.S. § 604, et seq., enacted by P.L. 2022, c. 673.

An Act to Prevent the Further Contamination of the Soils and Water of the State

On April 20, 2022, Governor Mills approved a law that banned the land application of sludge generated from municipal, commercial, or industrial wastewater treatment plants, compost produced from sludge, or any other materials derived from sludge. The law also banned the sale of compost and other materials derived from sludge and limited the spreading of septage (waste from septic tanks). See 38 M.R.S. § 1306, enacted by P.L. 2022, c. 641.

An Act Regarding the Statute of Limitations for Injuries or Harm resulting from Perfluoroalkyl and Polyfluoroalkyl Substances

On June 22, 2021, the Legislature enacted, and Governor Mills approved, a new statute of limitations for causes of actions arising out of harm or injury caused by a PFAS substance. Under the new statute of limitations, a plaintiff may bring suit within six years

of the date the plaintiff discovers or reasonably should have discovered the harm or injury. See 14 M.R.S. § 752-F, enacted by P.L. 2021, c. 328.

An Act to Investigate Perfluoroalkyl and Polyfluoroalkyl Substance Contamination of Land and Groundwater

On July 15, 2021, this budget bill became law without the Governor's signature. It establishes the Land Application Contaminant Monitoring Fund, a revolving fund to test and monitor soil and groundwater for PFAS and other contaminants and for other related activities, such as mitigating contamination through the installation of drinking water filtration systems or other remedial actions. Investigation and response activities are to be funded through a handling fee assessed by the DEP on sludge or septage beginning January 1, 2022. Under the Act, the DEP must develop a program to evaluate soil and groundwater for PFAS substances where sludge or septage was land applied and to test landfill leachate, and beginning on January 15, 2023, DEP must submit a report to the Legislature regarding its use of the fund, including a summary of contamination investigated and identified. See 38 M.R.S. § 1310-B-1, et seq., enacted by P.L. 2021, c. 478.

An Act Regarding Uncontrolled Hazardous Substance Sites

Approved by Governor Mills on June 8, 2021, this legislation amended the definition of a hazardous substance under the Maine Uncontrolled Hazardous Substance Sites Law (Maine's "Superfund") to include any substance defined as a hazardous substance or pollutant or contaminant under the United States Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. § 9601 (CERCLA). The legislation exempted from liability publicly owned treatment works and public water systems that contributed effluent or sewage sludge to an uncontrolled site. See 38 M.R.S. § 1362 and 1367-B, amended by P.L. 2021, c. 117. On August 26, 2022, the EPA proposed a rule classifying PFOS and PFOA as hazardous substances under CERCLA. Once the final rule goes into effect, PFOS and PFOA will be regulated as hazardous substances under both CERCLA and Maine's Superfund law.

An Act to Restrict the Use of Perfluoroalkyl and Polyfluoroalkyl Substances in Firefighting Foam

On July 9, 2021, Governor Mills approved this legislation restricting the discharge, manufacture, sale, and distribution of firefighting or fire-suppressing foam to which PFAS have been intentionally added, except in certain limited exceptions, beginning on January 1, 2022. The legislation also requires that a person discharges any such foam to report the discharge to the DEP within 24 hours after the discharge. See 38 M.R.S. § 424-C, enacted by P.L. 2021, c. 449.

An Act to Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution

This legislation became law on July 15, 2021, without the Governor's signature and amended on June 8, 2023. Beginning on January 1, 2025 (originally January 1, 2023), manufacturers of products for sale in Maine that contain intentionally added PFAS must provide to DEP certain information about the product, including the amount and type of PFAS in the product. More information on the recent amendments to this law may be

found in the [“What’s New in this Edition”](#) section at the top of this report. See 38 M.R.S. § 1614, et seq., enacted by P.L. 2021, c. 477. For more information visit the [DEP’s PFAS in Products FAQs page](#).

Resolve, Directing the Board of Pesticides Control to Gather Information Related to Perfluoroalkyl and Polyfluoroalkyl Substances in the States

Approved by Governor Mills on June 21, 2021, this legislation requires the Board of Pesticides Control to require manufacturers and distributors of registered pesticides to report whether the product has been stored, distributed, or packaged in a fluorinated high-density polyethylene container and whether a PFAS substance is in the formulation of the registered pesticide. See P.L. 2021, c. 83.

Maine DEP Chemicals of High Concern Listing and Reporting Requirements

PFOS and its salts were listed in July 2015 as “Chemicals of Concern,” under the Toxic Chemicals in Children’s Products Law, 38 M.R.S. §1693-A(1), et seq. At the same time, PFOS and its salts were also listed as “Chemicals of High Concern.” The listing qualifies a chemical for further regulation under this law.

On July 2, 2020, the Maine Board of Environmental Protection (BEP) adopted [regulations in Chapter 890](#) designating PFOS and its salts as priority chemicals. The regulations adopted further require that manufacturers or distributors of children’s products for sale within the state of Maine that contain PFOS or its salts report to the DEP certain product information, including the amount of PFOS or its salts in each unit and the function of the chemical in the product.

An Act to Protect the Environment and Public Health by Further Reducing Toxic Chemicals in Packaging

Approved by Governor Mills on June 13, 2019, this Act amends the 1989 Reduction of Toxics in Packaging law, which applied to four metals in all packaging or packaging components. The amendments expand the law to reach phthalates, PFAS, and additional “chemicals of concern” in food packages. The law now includes specific bans and authorizes additional DEP rulemakings that may lead to bans or other requirements, giving the department FDA-like authority. See 38 M.R.S. § 1731 et seq., amended by P.L. 2019, c.277.

IV. Other Regulatory Actions and Guidance

Do Not Eat Advisories

1. *Maine Department of Inland Fisheries and Wildlife (MDIFW) and the Maine Center for Disease Control and Prevention (MECDC) “Do Not Eat” Advisory for Freshwater Fish*

Since May 5, 2022, the MDIFW and the MECDC has issued “Do Not Eat” advisories for freshwater fish taken from several waterbodies in central Maine and has set consumption limit guidelines for freshwater fish taken from fourteen other

waterbodies located across Maine, due to PFAS contamination. The “Do Not Eat” advisories are for Fish Brook, including any tributaries associated with Fish Brook, and for the Police Athletic League Ponds in Fairfield. The MECDC also recommends limiting consumption of fish caught from the following waterbodies:

- Aroostook River from the River Reservoir to Haley Island (Caribou to Fort Fairfield)
- China Lake (China)
- Durepo Pond & Limestone Stream (Limestone to Fort Fairfield)
- Fifteen-mile Stream from Yorktown Brook inlet to Route 137/202 (Albion)
- Halfmoon Stream from Shikles Road to Sand Stream & Sandy Stream from the Sevens Road to Unity Pond (Thorndike to Unity)
- Kenduskeag Stream from Robyville covered bridge to the Penobscot River (Corinth to Bangor)
- Kennebec River from the Carrabassett Stream inlet to the Town Farm Brook inlet (Fairfield to Sidney)
- McGrath Pond and Salmon Lake (Belgrade/Oakland)
- Messalonskee Stream from Automatic Dam to Rice Rips Dam (Waterville to Oakland)
- Number One Pond (Sanford)
- Presumpscot River from Saccarappa Falls to Presumpscot Falls (Westbrook to Falmouth)
- Unity Pond (Unity)

Information about the advisory, including information about consumption recommendations in each waterbody, can be found [here](#).

2. MDIFW and MECDC “Do Not Eat” Advisory for Deer

On November 23, 2021, the MDIFW and the MECDC issued a “Do Not Eat” advisory for deer taken in the greater Fairfield and Skowhegan area due to PFAS contamination. Information about the advisory can be found [here](#).

3. Governor Mills’ Executive Order No. 5 FY 19/20 – An Order to Study the Threats of PFAS Contamination to Public Health and the Environment

On March 6, 2019, Governor Mills issued “[An Order to Study the Threats of PFAS Contamination to Public Health and the Environment](#).” Citing the need for a coordinated response and the necessity of studying PFAS distribution, assessing potential impacts, and recommending strategies to mitigate the impacts, Governor Mills established a task force comprised of the commissioners of four state agencies, as well as a public health physician and representatives selected by the commissioners of the Maine DEP and Maine DHHS from several different specified groups or entities. The Task Force issued its final report in January 2020, [Managing PFAS in Maine](#).

United States

I. EPA Action

1. TSCA PFAS Reporting Requirements

On October 11, 2023, the EPA published a [final rule](#) establishing a one-time reporting and recordkeeping requirement for PFAS under TSCA. The rule will become effective on November 13, 2023. The rule requires that entities that manufacture (including import) or have manufactured PFAS at any time since January 1, 2011, report information to EPA regarding PFAS uses, production volumes, byproducts, disposal, exposures, and existing information on environmental or health effects. The scope of the rule is broad; EPA expanded its definition of PFAS subject to the rule, there is no de minimis volume threshold, and the rule lacks typical TSCA exemptions, such as for research and development, byproducts, and impurities.

EPA also finalized the requirement to include PFAS-containing articles (which are manufactured goods or finished products, either imported or domestically produced), but clarified that reporting is only required to the extent that the manufacturer (including importer) of PFAS within articles knows or can reasonably ascertain the requested information. Importantly, EPA further clarified that “entities who solely process, distribute, and/or use PFAS, and do not manufacture (including import) PFAS for a commercial purpose, are not required to report under this rule.” In other words, if a product manufacturer does not manufacture (including import) the PFAS itself, but only uses it (including as part of an article or other product), the product manufacturer wouldn’t be required to report under this rule.

In September 2024, EPA announced a direct final rule and a parallel proposed rule to delay the reporting period, scheduled to begin on November 12, 2024, until July 11, 2025. In May 2025, EPA announced an interim final rule which further extended the dates of the reporting period. This interim final rule delays the start of the submission period by nine months, from July 11, 2025, to April 13, 2026. Submissions will now be due by October 13, 2026, for most manufacturers, and by April 13, 2027, for small manufacturers reporting exclusively as article importers. For more information, please see our [client alert](#) on this rule.

2. TRI PFAS Reporting Requirements

The 2020 National Defense Authorization Act triggered reporting of approximately 172 per- and polyfluoroalkyl substances (PFAS) for the Toxics Release Inventory (TRI) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). The 202 NDAA also created a framework for adding additional PFAS chemicals to the TRI chemical lists. As of 2025, 205 PFAS chemicals have been added to the TRI chemical list.

In October 2023, the EPA finalized a rule that eliminated a *de minimis* reporting exemption that allowed facilities to avoid reporting on PFAS when PFAS made up 1% or less of a product (the *de minimis* threshold for PFOA was 0.1%). The final rule reclassified all current and future PFAS substances listed on the TRI chemical list as chemicals of special concern, eliminating the *de minimis* reporting exception for those chemicals. The rule also removed a notification exemption that allowed suppliers to refrain from providing notice of a chemical of special concern to downstream facilities when the product contained less than 1% of the chemical.

For more information, please see our client alerts on PFAS reporting under TRI, linked [here](#) and [here](#).

3. PFAS National Primary Drinking Water Regulation

On March 14, 2023, the EPA [announced](#) the proposed National Primary Drinking Water Regulations (NPDWR) for six PFAS compounds. The proposed regulations set the drinking water enforceable limits to 4.0 ppt for PFOA and PFOS, and 1.0 (unitless) for PFNA, PFHxS, PFBS, and HFPO-DA. Furthermore, the proposed regulation required public water systems to monitor, notify the public, and reduce the levels of PFAS compounds in drinking water if they exceed the proposed standards.

More than a year later, on April 10, 2024, the EPA finalized the National Primary Drinking Water Regulations (NPDWR), which are aimed at public drinking water systems. Under the regulations five PFAS compounds are subject to enforceable limits; PFOA and PFOS have a limit of 4.0 ppt, and PFNA, PFHxS and HFPO-DA (GenX Chemicals) have a limit of 10 ppt. The EPA also set enforceable water concentration limits using a Hazard Index formula for mixtures of four PFAS; PFNA, PFHxS, PFBS and HFPO-DA (GenX Chemicals). EPA gave states 5 years to test their public drinking water systems and implement appropriate measures to come into compliance with the new standards. Under the Trump administration, EPA has indicated an intent to extend the compliance deadline for PFAS and PFOA and to reconsider the limits placed on PFNA, PFHxS, HFPO-DA and PFBS. For more information see the [“What’s New in this Edition”](#) section at the top of this report.

4. PFOA & PFOS Designation as Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Hazardous Substance

EPA has designated PFOA and PFOS as Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) hazardous substances, effective July 8, 2024. For more information see the [“What’s New in this Edition”](#) section at the top of this report.

5. National PFAS Testing Strategy Test Order

On June 6, 2022, the EPA issued its first test order under the EPA’s National PFAS Testing Strategy. The EPA’s National PFAS Testing Strategy requires manufacturers to provide the EPA with toxicity data and information on various PFAS. The EPA has divided PFAS into categories based on structure, physical-chemical properties and existing test data on toxicity and will require test orders for each category. The EPA’s first test order includes more than 2,000 PFAS chemicals. More information about the National PFAS strategy can be found [here](#).

6. Emerging Contaminant Funding

On June 15, 2022, the EPA announced that it is making available \$1 billion in grant funding through President Biden’s Bipartisan Infrastructure Law to address PFAS and other emerging contaminants in drinking water. The goal of the funding is to benefit small or disadvantaged communities with planning, testing, and remediating emerging

contaminants in drinking water. More information about the EPA's emerging contaminant funding can be found [here](#).

Contact Information

If you have questions or concerns about PFAS issues, please contact one of our environmental law attorneys: [Lisa Gilbreath](#) at 207.791.1397, [Brian Rayback](#) at 207.791.1188, or [Georgia Bolduc](#) at 207.791.1249.

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