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ENVIRONMENT AND NATURAL RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 138, L.D. 217, “An Act to Support Manufacturers Whose Products Contain Perfluoroalkyl and Polyfluoroalkyl Substances”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 38 MRSA §1614, sub-§2, ¶A, as enacted by PL 2021, c. 477, §1 and reallocated by RR 2021, c. 1, Pt. A, §54, is amended to read:

A. ~~Beginning~~ Except as provided in subsection 3, by January 1, 2023 2025, a manufacturer of a product for sale in the State that contains intentionally added PFAS shall submit to the department a written notification that includes:

- (1) A brief description of the product, including an estimate of the total number of units of the product sold annually in the State or nationally;
- (2) The purpose for which PFAS are used in the product, including in any product components;
- (3) The amount of each of the PFAS, identified by its chemical abstracts service registry number or in the absence of this number a description approved by the department, in the product, reported as an exact quantity, or as the amount of total organic fluorine if the amount of each PFAS compound is not known, determined using commercially available analytical methods or based on information provided by a supplier as falling within a range approved for reporting purposes by the department;
- (4) The name and address of the manufacturer, and the name, address and phone number of a contact person for the manufacturer; and
- (5) Any additional information established by the department by rule as necessary to implement the requirements of this section.

Sec. 2. 38 MRSA §1614, sub-§2, ¶D is enacted to read:

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1 D. The requirements of this subsection do not apply to a manufacturer that employs
2 25 or fewer people.

3 **Sec. 3. 38 MRSA §1614, sub-§4**, as enacted by PL 2021, c. 477, §1 and reallocated
4 by RR 2021, c. 1, Pt. A, §54, is amended to read:

5 **4. Exemptions.** The following are exempt from this section:

6 A. A product for which federal law governs the presence of PFAS in the product in a
7 manner that preempts state authority; and

8 B. A package, as defined in Title 32, section 1732, subsection 4, for a product subject
9 to Title 32, chapter 26-A or 26-B, except when the package is the product of the
10 manufacturer; and

11 C. A used product or used product component.

12 **Sec. 4. 38 MRSA §1614, sub-§7**, as enacted by PL 2021, c. 477, §1 and reallocated
13 by RR 2021, c. 1, Pt. A, §54, is amended to read:

14 **7. Failure to provide notice.** A Beginning January 1, 2025, a person may not sell,
15 offer for sale or distribute for sale in the State a product containing intentionally added
16 PFAS if the manufacturer has failed to provide the information required under subsection
17 2-, except that this prohibition does not apply to:

18 A. ~~The department may exempt a~~ A product exempted from the prohibition under this
19 subsection ~~if by the department determines upon a determination by the department~~
20 that the use of PFAS in the product is a currently unavoidable use-;

21 B. ~~The prohibition in this subsection does not apply to a~~ A retailer in the State unless
22 the retailer sells, offers for sale or distributes for sale in the State a product for which
23 the retailer has received a notification pursuant to subsection 8, paragraph B that the
24 sale of the product is prohibited-;

25 C. A manufacturer exempted from the notification requirement pursuant to subsection
26 2, paragraph D;

27 D. A product for which the department has waived the notification requirement
28 pursuant to subsection 3; and

29 E. A manufacturer that pursuant to subsection 3 has received from the department an
30 extension of the deadline for submission of the information required by subsection 2.
31 The exception under this paragraph applies only for the duration of the extension
32 provided by the department.

33 **Sec. 5. Retroactivity.** This Act applies retroactively to January 1, 2023.'

34 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
35 number to read consecutively.

36 **SUMMARY**

37 This amendment replaces the bill, which is a concept draft. It extends the January 1,
38 2023 deadline for reporting the use of perfluoroalkyl and polyfluoroalkyl substances, or
39 PFAS, in products for sale to January 1, 2025 and authorizes reporting the amount of total
40 organic fluorine if the amount of each PFAS compound is not known and allows the amount

1 of PFAS to be reported based on information provided by a supplier rather than testing. It
2 clarifies the packaging exemption under the law regulating PFAS in products, exempts
3 from PFAS reporting requirements manufacturers that employ 25 or fewer people, clarifies
4 that the requirements and prohibitions of PFAS in products do not apply to used products
5 or used product components and makes other technical clarifications to PFAS reporting
6 requirements. The changes made by the bill to the law regulating PFAS in products are
7 made retroactive to January 1, 2023.

8 **FISCAL NOTE REQUIRED**

9 **(See attached)**