

April 26, 2023

Sen. Stacy Brenner, Chair
Rep. Lori Gramlich, Chair
Committee on Environment and Natural Resources
100 State House Station
Augusta, ME 04333

RE: CTA Support for LD 1214 – An Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination

Dear Chair Brenner, Chair Gramlich, and Members of the Committee on Environment and Natural Resources:

On behalf of the Consumer Technology Association (CTA), we're writing to support LD 1214, an Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination. CTA is North America's largest technology trade association. Our members are the world's leading innovators – from startups to global brands – helping support more than 18 million American jobs. Our member companies have long been recognized for their commitment and leadership in innovation and sustainability, often taking measures to exceed regulatory requirements on environmental design and product stewardship.

We support this bill's work to make common sense revisions to Maine's new law regarding PFAS in products.¹ The law's initial design created a number of unintended consequences which made it difficult for the Department of Environmental Protection (DEP) to implement and incredibly challenging for many electronics companies to comply with as written. The changes in this bill are a positive step forward toward remedying some of the issues with the law passed in 2021.

We strongly support extending the timeline for reporting PFAS in products and especially for complex products like electronics. PFAS includes a broad class of thousands of chemicals that are often essential to the manufacture and function of electronic products. Electronics are complex articles, and a single product can have thousands of components sourced from multiple suppliers across the globe. DEP has already had to grant thousands of reasonable extension requests to manufacturers and will likely have to undergo the burden of granting more unless the reporting deadline is extended. The Department is still engaged with rulemaking and there is currently little to no guidance for how manufacturers are supposed to comply with requirements which went into effect in January.

¹ Public Law c. 477

<https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1113&item=5&snum=130>

We also strongly support removing the blanket ban on all products containing PFAS in 2030. If kept in the law, this would effectively ban the sale of all products with electronic components unless DEP grants permission by rule for each product. DEP already has the authority to determine by rule which products to prohibit from containing PFAS, and we believe that this is a more effective procedure instead of an all-out ban. DEP will be able to use their expertise, engage with other experts, and take a steady approach through rulemaking to determine how best to limit exposure to consumers.

We support the inclusion of language protecting confidential business information. Companies will be required to submit detailed information regarding the materials making up their products, and often these contain confidential business information and trade secrets. It is essential to have clear protections for companies submitting this data to the Department.

Finally, we support the proposed definition for “PFAS.” This definition will more effectively target the PFAS chemicals which should be the focus for protecting consumer health without unnecessary testing for the entire class of all PFAS chemicals. If left unaltered, the law would require testing for thousands of chemicals. Currently there isn’t lab capacity in the United States to handle the volume of testing envisioned by the original law.

For the reasons specified above, CTA urges the Committee to Vote Ought to Pass on LD 1214. We appreciate the opportunity to provide comment on this bill, and if you have any questions about our testimony, please do not hesitate to contact me at dmoyer@cta.tech.

Sincerely,

Dan Moyer
Sr. Manager, Environmental Law & Policy
Consumer Technology Association