

April 25, 2023

The Honorable Stacy Brenner
Chair, Committee on Environment and Natural Resources
Cross, Building Room 216
100 State House Station
Augusta, Maine 04333

re: SUPPORT – LD 1214/SP 495 – An Act to Clarify the Laws Related to PFAS Contamination

Dear Chair Brenner:

The Outdoor Power Equipment Institute (OPEI)¹ respectfully requests your support of LD 1214/SP 495 to provide clarification to Public Law 2021 chapter 477 which requires reporting of products with intentionally added PFAS and would ban products with intentionally added PFAS as of January 1, 2023, unless DEP determines that the use of PFAS in the product is an unavoidable use.

OPEI recognizes Maine's interest in managing PFAS contamination to protect the health of the state's citizens and the environment. LD 1214/SP 495 furthers this goal by making the necessary changes to definitions in current law that would address concerns with certain PFAS chemistries while allowing critically important uses and benefits of these chemistries.

LD 1214/SP 495 would also enable greater compliance with the law by providing companies with a one-year extension of the deadline for reporting of products containing intentionally added PFAS. Although the reporting requirement was scheduled to go into effect on January 1, 2023, the DEP granted thousands of manufacturers an extension in recognition of the complications related to reporting including delays in rulemaking, difficulty in obtaining and protecting confidential business information protected by intellectual property laws, disruptions in the global supply chain, and lack of laboratory testing capacity. A one-year extension of the reporting requirement date would allow manufacturers and the DEP to work through these issues.

Lastly, the proposed bill removes the ban on any products with PFAS by January 1, 2030, unless DEP identifies it as an unavoidable use. This provision is unnecessary and duplicative given that the law states DEP can by rule identify products or categories of products that cannot be sold or distributed.

As you know, nearly every sector of the economy, including aerospace, autos, alternative energy, healthcare, building and construction, electronics, pharmaceuticals, and agriculture relies on PFAS chemistries for the reliable and safe function of a variety of products.

¹ OPEI is an international trade association representing the manufacturers and their suppliers of non-road gasoline powered engines, personal transport & utility vehicles, golf cars and consumer and commercial outdoor power equipment ("OPE"). OPE includes lawnmowers, garden tractors, trimmers, edgers, chain saws, snow throwers, tillers, leaf blowers and other related products. OPEI member companies and their suppliers contribute approximately \$16 billion to US GDP each year. OPEI members currently distribute their products across all 50 states, through a diversity of retail outlets including independent dealers who are authorized to sell and service their equipment through a contractual arrangement.

OPEI encourages the support of LD 1214/SP 495 as a sensible solution to protect health and the environment while providing regulatory clarification and certainty to OPEI members. We thank you for your consideration of these comments and we are always available to answer any questions you may have.

Best regards,

A handwritten signature in black ink that reads "Daniel J. Mustico". The signature is written in a cursive, flowing style.

Daniel J. Mustico
Senior Vice President, Government & Market Affairs
dmustico@opei.org

cc: Members of the Committee on Environment and Natural Resources