

Written Testimony Submitted in Support of L.D. 1214

Dear Chair Brenner, Chair Gramlich, Ranking Member Campbell, and Members of the Joint Standing Committee on the Environment and Natural Resources:

Thank you for the opportunity to submit written testimony for the record to the Joint Standing Committee on Environment and Natural Resources (the Committee) in support of L.D. 1214, a bill to amend current statute relating to the prevention of per- and polyfluoroalkyl substances (PFAS) pollution. Of the bills before the Committee today, SEMI member companies believe L.D. 1214 to be the legislative approach that most effectively empowers state regulators to safeguard human and environmental health while ensuring that Maine continues to foster a favorable business climate for the semiconductor industry.

SEMI is the leading global industry association that works to advance the business of the electronics manufacturing supply chain. SEMI has over 2,500 members worldwide, including more than 530 American headquartered companies, and represents the full range of U.S. semiconductor companies, including designers, equipment makers, materials producers, and subcomponent suppliers. While SEMI's membership includes many large companies, more than 85 percent of SEMI members are considered small or medium-sized businesses. This vital supply chain supports 350,000 high-skill and high-wage jobs across the United States.

PFAS compounds are critically important to the semiconductor industry because of their low surface tension, high heat and chemical resistance, high thermal stability, radiation stability, and compatibility with other chemicals. These properties enable them to create the sterile environments required for semiconductor manufacturing. Specifically, they are used in environmental control mechanisms (pipes, pumps, valves, refrigerants, etc.), in photolithography to reduce the potential for defects, and in medical imaging technologies. They are also integrated into process chemicals to bolster corrosion resistance. The exceptional combination of their heat and chemical resistance and their chemical inertness also makes PFAS essential to both equipment components (tubing, gaskets, containers, filters, etc.) and lubrication (such as various oils and greases). In short, the semiconductor manufacturing process is enormously dependent on PFAS compounds for which there are currently no viable alternatives.

Given the essential role that certain PFAS compounds play in semiconductor production, SEMI members are inclined to weigh in on a legislative undertaking that could have a profound impact on the semiconductor industry's presence in Maine. With that in mind, I wish to highlight several aspects of L.D. 1214 that the association believes merit inclusion in any PFAS-related legislation on a pathway to enactment.

- **Redefinition of "Intentionally added PFAS"** – L.D. 1214 changes the definition of "intentionally added PFAS" by removing the stipulation that this term include any "degradation by-products of PFAS". This is an important change since such a degradation would be in very low concentration, and so it is not clear what degradation might occur at extremely low levels. Furthermore, no high concentration degradation is expected as this would impact the performance of the fundamental product.

- **Redefinition of “PFAS”** – L.D. 1214 narrows the definition of “PFAS” to mean “a group of synthetic perfluoroalkyl and polyfluoroalkyl substances that contain at least 2 sequential fully fluorinated carbon atoms, excluding polymers, gases and volatile liquids.” SEMI welcomes this redefinition because it narrows the scope of covered compounds and makes compliance feasible. As currently defined in statute, “PFAS” covers roughly 15,000 different compounds. This establishes a regulatory standard that is impossible to meet both from a practical and financial standpoint as the associated costs are enormous and neither the requisite lab capacity nor testing technology currently exist. To further strengthen this definition, SEMI suggests the following: clarifying that excluding polymers also excludes additives that might be in the polymers; clarifying the conditions under which the material is considered a gas (e.g., temperature and pressure); and defining “volatile liquid”.
- **Effective Date** – SEMI members also support the proposal to move the date of the law’s effectiveness from January 1, 2023 to January 1, 2024. The delay in making the law effective would allow the Department of Environmental Protection to create a well-considered and publicly informed regulatory framework with which businesses can more effectively comply.
- **Protecting Confidential Business Information** – SEMI members welcome the inclusion of a provision directing manufacturers to designate confidential business information claims. This will give businesses confidence that their trade secrets will be protected in the course of their compliance with the law.
- **Repealing the Ban on Products with Intentionally Added PFAS** – Lastly, SEMI members welcome the repeal of the 2030 ban on products with intentionally added PFAS. Codification of such a ban in statute would deny regulators the flexibility required for adapting to any changes that may occur in the evolving landscape of high-tech manufacturing. More fundamentally, these compounds are essential to the semiconductor manufacturing process and there are currently no functionally equivalent alternatives. An absolute ban on such products would unequivocally crush the semiconductor industry in Maine. This is doubly concerning and perplexing because the State stands to benefit greatly from new Federal policy, as articulated through the *CHIPS and Science Act*, aimed at revitalizing the domestic semiconductor industry through a robust investment initiative.

Once again, SEMI’s member companies thank you for the opportunity to provide this testimony in support of L.D. 1214. I hope you will consider our association to be a resource as you continue to craft policy relevant to the semiconductor industry and I stand ready to provide additional information or assistance should you request it.

Respectfully,

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SEMI