

Manufacturers Association of Maine

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26 April 2023

Senator Brenner, Representative Gramlich and honorable members of the Joint Standing Committee on Environment and Natural Resources, we offer this testimony in support of LD 1214, An Act to Clarify Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination.

The Manufacturers Association of Maine (MAME) is a non-partisan 501(c)6 non-profit grounded in service to its membership, providing a network of resources designed to support the strategic business growth needs of Maine manufacturing entrepreneurs.

Maine's manufacturing businesses are diverse, employing almost 60,000 individuals in military and defense, aerospace, metal fabrication, paper, boat building, semi-conductor, wood products, aquaculture and biotech, medical device, composites, and bioplastics, as well as the food and beverage industries. These businesses represent almost 10% of Maine's annual GDP and 14.5% of all the wages paid in the state on a weekly basis. MAME's mission is to help manufacturing grow and succeed and supports Maine's development of future manufacturing assets through a variety of programs.

As you are acutely aware, the PFAS issue is of great concern to many across our state. Our members understand those concerns and want to do their part to address them. However, it is nearly impossible for our members to comply with the law as it currently stands.

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When Maine's PFAS law was passed 2021 it required DEP to adopt rules which would set forth which businesses would be impacted and what those businesses needed to do to comply with the law. MAME members, along with many other businesses across that state, anticipated that guidance would be forthcoming. Yet, as you also know, the DEP has had challenges with the rulemaking process and our members are still without the guidance they need. In the absence of any clear direction, many of our members sought an extension from the reporting requirements so as not to run afoul of the law, but those extensions will soon end.

The majority of our membership is made up of small businesses. As written, the current law will disproportionately affect small businesses who have neither the knowledge nor the staff to follow DEP regulatory proceedings and/or adhere to the testing procedures that will be required under the law. Additionally, the cost of testing will likely be prohibitive for most of those small members.

Given these challenges, we believe that LD 1214 as currently proposed provides a targeted approach that maintains the original intention of law by limiting PFAS human exposure, but at the same time, makes reasonable changes that will be less onerous to Maine businesses and the state's economy. By changing the definition of PFAS, the bill aims to narrow the scope and make it easier to comply. As has been stated by others, Maine simply does not have the lab capacity or technology to be able to adhere to the testing required under current statute. Limiting the definition makes it more likely that testing can take place and lessens the cost of that testing. The proposal also aims to protect confidential business information, which is essential for a business trying to stay relative in a highly competitive business environment. Additionally, the bill pushes out the effective date allowing DEP and other regulatory bodies to adopt rules. Clearly promulgated rules are essential so that our members can understand who is impacted, how they are impacted and what they must do to comply with the law.

Finally, the proposal removes the 2030 ban on products with intentionally added PFAS. We believe DEP is better positioned through rulemaking to determine what products can and cannot be sold in Maine. As a regulating agency, DEP will have all the information and expertise needed to make such decisions.

For these reasons, we ask you to look favorably upon the proposal and vote for its passage.