



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

April 26, 2023

RE: Support LD 1214/ SP 495 *An Act to Clarify the Laws Related to PFAS Contamination*

Dear Senator Brenner, Representative Gramlich, and Members of the Joint Standing Committee on Environment and Natural Resources:

The American Chemistry Council's Performance Fluoropolymer Partnership respectfully requests your support of LD 1214/SP 495. The Partnership's members are some of the world's leading manufacturers, processors, and users of fluoropolymers, including fluoroelastomers, and polymeric perfluoropolyethers.¹ The Partnership's mission is to promote the responsible production, use, and management of fluoropolymers, while also advocating for a sound science- and risk-based approach to regulation.

Fluoropolymers possess a unique combination of properties that allows them to perform in harsh, demanding environments. They are resistant to extremes of heat and cold, chemical corrosion, physical abrasion, and moisture, while also possessing desirable electrical properties. As such, they are a critical enabling group of substances for the manufacture and performance of electronics, medical devices, semiconductors, pharmaceuticals, automobiles, aircraft, telecommunications, and renewable energy technologies, among others.

LD 1214/SP 495 would 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, including fluoropolymers, as of January 1, 2030, unless DEP determines that the use of PFAS in the product is an unavoidable use. The Partnership 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 the current law that would address concerns with certain PFAS chemistries while allowing critically important uses and benefits of others, such as fluoropolymers.

¹ The Partnership's members are 3M, AGC, Inc., The Chemours Company LLC, Daikin America, Inc., ExxonMobil, Gujarat Fluorochemicals Limited, Honeywell, MilliporeSigma, Porex, Shamrock Technologies, Sherwin Williams, Solvay, T-Lon Products, W.L. Gore, and Zeus.

Fluoropolymers are large, stable molecules that have been demonstrated to meet criteria developed by governmental and intergovernmental regulators to identify polymers of low concern for potential impacts on humans and the environment.^{2,3} The criteria were developed to identify polymers with physical and chemical attributes that would not raise concerns about potential hazard traits and include evaluation of:

- Structure and elemental composition;
- Molecular weight and the consistency of molecule size in a sample;
- Particle size;
- Presence of low molecular weight residuals that might leach from the polymer;
- Electrical charge;
- Presence and nature of reactive functional groups;
- Resistance to physical, chemical, and biological transformation; and
- Resistance to degradation by heat and other environmental stressors.

Fluoropolymers' chemical and physical properties should not raise concerns about potential impacts on humans and the environment. They are insoluble substances and therefore do not exhibit the mobility of much smaller, highly water soluble PFAS substances. Importantly, fluoropolymers are neither bioavailable nor bioaccumulative and do not transform into long-chain non-polymeric PFAS like PFOA and PFOS in the environment.

LD 1214/ SP 495 would also enable greater compliance with the law by providing companies with a 1-year extension of the deadline for the 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 extensions 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 1-year extension of the reporting requirement date would allow manufacturers and the DEP to work through these issues.

We have commented repeatedly that the DEP must articulate far more clearly than it has done to date how CBI will be managed in the notification process and protected thereafter by both the DEP and the Interstate Chemicals Clearinghouse (IC2).

² Henry, B.J., Carlin, J.P., Hammerschmidt, J.A., Buck, R.C., Buxton, L.W., Fiedler, H., Seed, J. and Hernandez, O. (2018), A critical review of the application of polymer of low concern and regulatory criteria to fluoropolymers. *Integr Environ Assess Manag*, 14: 316-334, <https://doi.org/10.1002/ieam.4035>.

³ Korzeniowski, S.H., Buck, R.C., Newkold, R.M., El kassmi, A., Leganis, E., Matsuoka, Y., Dinelli, B., Beauchet, S., Adamsky, F., Weilandt, K., Soni, V.K., Kapoor, D., Gunasekar, P., Malvasi, M., Brinati, G. and Musio, S. (2022), A critical review of the application of polymer of low concern regulatory criteria to fluoropolymers II: Fluoroplastics and fluoroelastomers. *Integr Environ Assess Manag*, <https://doi.org/10.1002/ieam.4646>.

We are encouraged that LD 1214 / SP 495 provides explicit protection for confidential business information, and we look forward to further clarifying those protections.

Lastly, the 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.

Thank you for the opportunity to provide this written testimony to the Joint Committee.

Sincerely,

Jay West
Executive Director
Performance Fluoropolymer Partnership

Jay West
ACC Performance Fluoropolymer Partnership
LD 1214

Please find attached written testimony from the American Chemistry Council's Performance Fluoropolymer Partnership. Thank you for the opportunity to share our views.