



AGC MAINE

THE CONSTRUCTION ASSOCIATION

April 26, 2023

Senator Brenner, Senate Chair
Representative Gramlich, House Chair
Members of the Joint Standing Committee on Environment and Natural Resources
100 State House Station
Augusta, Maine 04333

RE: AGC Maine's Comments on LD 1214 "An Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination"

Senator Brenner, Representative Gramlich, and distinguished members of the Joint Standing Committee Environment and Natural Resources my name is Matthew Marks, I am a Principal at Cornerstone Government Affairs, and submitting this letter on behalf of my client The Associated General Contractors of Maine. AGC Maine is a statewide commercial construction trade association and a Chapter of AGC America.

AGC Maine would like to communicate our initial experience after the passage of LD 1503 which became public law in July 2021. Nearing the deadline for reporting products that have intentionally added PFAS, we recognized some of the challenges with ensuring we reached all parties subject to the law. Our members, as you would expect, purchase products required to complete a designed construction project. We also have members who supply those products, but not necessarily the manufacturer as defined in the law, "the person that manufactures a product or whose brand name is affixed to the product." Where construction products can often be comprised of many components, the list of businesses to reach continued to grow far outside our membership.

To assist with notification, we accelerated our outreach efforts in the Fall of 2022 as we neared the December deadline, asking for members to distribute within their supplier networks. We directed everyone to the DEP website but also answered a plethora of questions, some of which we could determine easily and others that were not particularly clear. When we couldn't determine if the product met the qualified reporting, we suggested they register to ensure compliance.

We published a list based on various resources of suspected products by category to assist with the determination including; roofing material, weatherproofing membranes, paints, metal coatings, wood lacquers, plastic coatings, carpet and rugs, resilient and hard flooring, grout/tile/stone and concrete sealers, O-rings, adhesives, caulking, windows, doors, glass, ceramic fixtures, lightbulbs, electrical components including wiring, cable, plumber's tape, seismic damping systems, fiberglass and film tapes, flashing tape, composite wood, and artificial turf. In addition, we alerted equipment manufacturers that could have PFAS-contained materials within their products.

The construction industry and the millions of various products used to build a structure require a complicated supply chain. While we put together outreach and notices it's clear that additional time, and a stronger definition for intentionally added PFAS would benefit our communication and compliance. While the majority of AGC members are end-users of the products, not the manufacturers, it's important for our industry to work with vendors to determine the path forward as the state makes decisions on which products can be sold and used here in Maine.

We understand the complexities and challenges associated with managing the state's response to PFAS. As an industry that is charged with building our state's infrastructure, we are continually reviewing the quality, safety, and environmental impacts. As we've explained in this bill, and discussions with advocates who are actively working on dealing with PFAS, we believe the state can reduce risks while accommodating the complex nature of assembling products and communicating to our supply chain. We appreciate Senator Baldacci's effort to develop a solution, and appreciate the Committee's continued work on this matter.

For that reason, we encourage the Committee to pass this bill.