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Testimony of Rep. Anne Graham in support of
LD 1537, An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution and to Provide Additional Funding
Before the Joint Standing Committee on Environment and Natural Resources

Senator Brenner, Representative Gramlich and the honorable members of the Environment and Natural Resources Committee, I am Rep Anne Graham and I serve the communities of North Yarmouth and Gray, House District 105. I am writing in support of Department of Environmental Protection Recommended Amendment to LD 1537 (38 M.R.S. 1614)

Thank you for your very difficult and important work on the PFAS issue. I am proud that Maine is leading the nation to decrease, and in many cases eliminate, PFAS from our environment. The proposed amendment from the DEP exempts medical, veterinary devices and products developed or manufactured for the purposes of public health, environmental or water quality testing (4. Exemptions E,F.G) These recommendations are crucial not only for our health but for the health of our economy.

In the community of Gray, there is a small manufacturer, Enercon Technologie, which would be impacted by this bill. It is a fully integrated Design and Build Center for electronics instrumentation specializing in medical devices, life sciences, military and industrial instrumentation. The company reached out to Sen. Pierce, Sen. Keim and Rep. Arata and me about their concerns regarding the pending PFAS regulations. They were concerned that if changes are not made to the reporting requirements, there is a significant possibility that their company would have to cease operations in Maine, putting approximately 300 employees out of a job.

To give a sense of who this small manufacturer is, I want to share this information from Ryan Marcotte, President and CEO of Enercon prior to the DEP's proposed rule change:

"*We employ just under 300 people and approximately $120M. Our main products are critical medical devices you'd find in hospitals and clinics, with examples being bedside Medicine Infusion Pumps, Rapid Virus Testers, and Digital Endoscopes for GI procedures.*

While we don't manufacture PFAS, some of the components we purchase necessary to perform critical functions or to make these life-saving products may include PFAS. These are mainly electronic components that we source globally for the types of products above.

The PFAS reporting is unrealistic due to:

- *The presence of PFAS compounds is not reported by the suppliers of key components such as circuit boards and electronic components used in medical devices, and as such the information isn't available to compile and report.*
- *The lack of available information for these components implies a company like Enercon would need to test each component to determine if it contains PFAS. However, testing is also unrealistic for the following reasons:*
    - *the law calls for disclosure on a vast/indeterminate number of PFAS compounds, a number that likely exceeds 15,000*
    - *there are fewer than 10 laboratories in the world that can test the components and on average they can only test for about 70 PFAS compounds – a tiny fraction called for in the law*
    - *the laboratory testing, when even possible, is prone to cross-contamination and inconclusive results*

This lack of information from suppliers, and the inability to test components means the DEP and manufacturers are going to spend an enormous amount of time addressing notification exceptions, rather than working to reduce PFAS usage and ensuring its safe disposal.

We believe that Maine's law would be improved by eliminating the notification requirement and focus on statutorily banning products with intentionally added PFAS, and exempting critical products where the use of PFAS is unavoidable. This will assist both manufacturers and the DEP by allowing everyone to focus on areas where there is the most benefit."

Thank you again for the nation-leading work on PFAS. As a member of the HHS Committee, I am proud to work alongside the ENR Committee to eliminate the threat of PFAS and improve the health of all Mainers. I hope you will accept the DEP's recommendations for medical device manufacturers.

Thank you for your consideration.

Respectfully submitted,
Rep. Anne Graham