

April 26, 2023

Joint Committee on the Environment and Natural Resources

RE: Support of LD 1214

Thank you, Chair and members of the Environment and Natural Resources Committee:

I'm Shawn Swearingen a Director of Chemical Products and Technology at the American Chemistry Council. I am here today not only representing ACC in support of LD 1214, but two specialty groups we manage, the Alliance for Telomer Chemistry Stewardship and the Performance Fluoropolymer Partnership, groups whose members include manufacturers processors, and users of per-and polyfluoroalkyl substances.

Our members have serious concerns with Public Law 477 and the rulemaking by the Maine DEP. And as evidenced by the more than 2,000 companies that requested and received reporting extensions under the current law, and the hundreds of companies that participated in DEP's two stakeholder meetings, our members are not alone in their concerns. We believe LD 1214 will fix many of the shortcomings of the current law that have been identified by our members and other industry stakeholders.

By correcting the overly broad definition of PFAS, adding language to assure the protection of confidential business information, extending the timeline for reporting, and removing the 2030 ban date, LD 1214 will protect the citizens of Maine in a manner that is more effective and more workable, and that will provide greater certainty, than under the current law.

The definition of PFAs in LD 1214 focuses on the PFAS chemistries of concern for water and soil contamination, the primary concern articulated in the preamble of PL 477. At the same time, the definition does not impact those products already regulated by federal regulatory agencies.

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). We are encouraged that LD 1214 provides explicit protection for confidential business information security, and we plan to offer suggestions to further clarify these protections.

PL 477 established timelines that have been impossible for DEP to meet, resulting in deadlines taking effect before rulemaking even got underway. This put DEP in a position of needing to grant thousands of extensions, but at the same time, not every business that requested an extension received one. The language in LD 1214 gives DEP leeway in reporting timelines to appropriately respond to the information they request from affected stakeholders without being confined by the unsustainable timelines in the initial regulations. Most importantly, LD 1214 takes the important step of eliminating the 2030 ban provisions of PL 477 and the numerous, unwieldy regulatory processes it envisions.

LD 1214 addresses important concerns with the initial legislation, while still allowing DEP to undertake rulemaking and keeping to the intent of regulating PFAS of potential concern. We will continue to comment and have discussions with DEP in hopes that the legislature will pass LD 1214 to assist in the DEP's efforts. LD1214 will not only preserve critical uses of this technology that are important for Maine's broader sustainability objectives and economy, but this legislation will preserve access to products like personal electronics, medical devices, life-saving medications, and many others which Maine families and businesses rely on every day.

We appreciate the opportunity to comment today to the Committee and look forward to continued dialogue with the legislature and the DEP along with so many other interested stakeholders here today.