

April 26, 2023

Committee Chairs Brenner & Gramlich  
Joint Committee on Environment and Natural Resources  
c/o Legislative Information Office  
100 State House Station  
Augusta, ME 04333

**Re: Support for LD 1214 and Opposition to LD 1537**

Dear Senator Brenner, Representative Gramlich and members of the Joint Committee on Environment and Natural Resources,

The Juvenile Products Manufacturers Association (JPMA) is writing to support LD 1214 and oppose LD 1537, which would both address modifications to Maine's first-in-the nation PFAS reporting and ban law. JPMA appreciates that both of these bills recognize that LD 1503, from 2021, urgently needs changes to address the complexities of this issue. JPMA supports LD 1214 because it practically addresses PFAS while being protective of children's health; while LD 1537 would expand the current law to mandate a product category a year be banned for PFAS.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provides protection to infants and assistance to their caregivers. JPMA collaborates with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products.

Our comments on this bill are grounded in the juvenile products industry's commitment to the safety of children and caregivers. This commitment to safety goes down to the level of chemicals that are present in children's products.

**Safety Remains the Juvenile Products Industry's Priority**

In addition to meeting stringent internal product safety requirements, juvenile products sold in the U.S. must also comply with numerous federal and state safety and environmental requirements under a variety of laws and regulations including:

- The Consumer Product Safety Improvement Act (CPSIA).
- The Federal Hazardous Substances Act (FHSA).
- The Toxic Substances Control Act (TSCA), and
- The Lautenberg Chemical Safety Act (LCSA) signed into law in 2016.

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JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION, INC.

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Under this network of requirements, it is illegal to sell juvenile or children's products containing various substances known to be harmful to children and to which children might be exposed.

#### **Necessary Issues to Reform the PFAS law**

JPMA strongly believes that LD 1214 properly reforms the PFAS law from 2021, by providing a clear set of chemicals, providing additional time for reporting, protecting confidential business information and finally removing a blanket ban of all PFAS chemicals in 2030; while continuing to authorize the Department of Environmental Protection (DEP) to ban PFAS chemicals under regulatory authority. Regardless of the legislative vehicle the following issues must be addressed, for companies to be able to effectively comply with this law and to ensure some consistency with other laws.

1. **Defining the Universe of PFAS Chemicals:** It is critical that the law clearly define an identifiable set of chemicals that qualify as PFAS. The current law does not do this and the Department of Environmental Protection has been unable to clearly identify which chemicals are actually impacted. Some estimates put the figure over 14,000 different chemicals. For complex products, like juvenile products, it is critical that we actually have a defined list of what chemicals we must test or require information from suppliers for. The current law does not do this and LD 1537's reliance on the presence of "total organic fluorine" defines a larger universe of chemicals that might trigger a positive test report. Therefore, we urge the Committee to consider the definition of PFAS from LD 1214 or direct the DEP to clearly identify or prioritize which PFAS chemicals require reporting and are impacted by the law.
2. **Timeframes:** As currently written, the law required reporting of PFAS in all products by January 1, 2023. However, as the Committee knows over 2400 extensions have been granted due to challenges with compliance given the breadth of this law. Some of these extensions have been for JPMA member companies. Therefore, as this law is reformed, there must be significant additional time to allow for proper testing and documentation to ensure compliance for reporting. Additionally, it is not possible to control the length of time a product would remain in commerce. JPMA requests that any effective date for a ban, in the law and via regulations must be based on a manufacturing or import date as opposed to a date of sale. Otherwise, the date of manufacture would essentially subject all items currently in the market to a "recall" at the retail level.
3. **Intentionally Added Thresholds:** The absence of a specific threshold within the definition of PFAS in law is also concerning for JPMA and its members. The phrase "contains intentionally added PFAS" is vague and requires clarification to ensure proper compliance. The definition of PFAS chemicals should include a threshold of at or above 100 parts per million, which would target products with intentionally added PFAS chemicals and align with existing laws in other states. This approach is intended to avoid situations where the PFAS in the product is the result of trace contaminations that may occur in the manufacturing process, in the supply chain or during sample testing. Omitting thresholds greatly increases the probability that even products designed without any intentionally-added PFAS would be subject to the prohibition. Therefore, a specific threshold


outlined in the definition of PFAS chemicals is necessary for our members to effectively comply with this law.

4. **Inaccessible Components:** We also urge the Committee to keep this legislation consistent with other chemicals laws, in Maine, and clearly **exempt inaccessible components products**. Any legislation addressing PFAS chemicals should include a clear exemption for inaccessible components of products. Internal components, such as inaccessible electronic components (which may contain thousands of subcomponents and elements) are specifically designed never to come into contact with a child. This is a high standard that considers the real-world use of the product. Other states including Washington, California and Vermont have exempted inaccessible components from similar laws.

### **Conclusion**

Product safety is the top priority for JPMA and our members and we understand and support preventing exposure to dangerous chemicals. We appreciate the opportunity to discuss LD 1214 and 1537 and express our support for balanced reform to Maine's PFAS law. Thank you for your consideration in this important matter and we would be happy to answer any questions or our suggestions for amendments.

Respectfully Submitted,

A handwritten signature in black ink that reads "Lisa R Trofe". The signature is written in a cursive, flowing style.

Lisa Trofe, CAE  
Executive Director