



Testimony regarding LD 1214 and LD 1537: Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances

Senator Brenner, Representative Gramlich, Members of the Committee:

My name is Diana Rondeau. I am the Director of Product Compliance at IDEXX Laboratories and reside in Raymond. I am here today on behalf of IDEXX in support of LD 1214 and LD 1537, with recommendations for further amendments.

Allow me to again thank the legislature and this committee's engagement with the global effort to eliminate the use of PFAS substances. IDEXX continues to support these efforts and through our testimony today, we hope to assist you in developing an effective and practical policy. Our comments today are focused on two specific areas that we believe can be improved to make effective policy, these areas include the notification requirements and the unavoidable use exceptions.

Let me start by affirming that IDEXX does not directly work with PFAS chemicals or add them to our products. But, we do source over 12,000 components from other suppliers that are critical to the manufacturing of our products. Section 7 of the existing legislation immediately bans the sale of any products in the state if the manufacturer is unable to meet the notification requirements. However, industry tests necessary to meet the stated requirements are not available, causing manufacturers to rely on indefinite extensions. Specifically, the notification requirements call for manufacturers to identify the amount of each PFAS in an exact quantity and since this testing is only available for approximately 70 of the more than 14,000 PFAS compounds, the notification requirements are unachievable. As such, our first recommendation is that we urge the committee to clarify that reporting is required only for those compounds for which commercial testing is widely available.

Additionally, we encourage the committee to recognize that testing 12,000 components for even the 70 compounds that are testable, is likely to take millions of dollars and several years, and could result in indeterminate or inconclusive results, due to the complex nature of the components. As such, we secondarily urge the committee to allow companies that assemble product, such as IDEXX, to utilize material disclosures from their supply chain.

Our third recommendation is in consideration of the legislation's unavoidable use exemption. While the current legislation allows the department to exempt products or product categories due to unavoidable use, this exemption is broad and undefined. We encourage the committee to specifically exempt products that are already regulated and critical to the protection of human and animal health.

The need for an exemption or at least transition periods to allow for the lengthy regulatory approvals, is consistent with the positions taken by other global bodies seeking to eliminate PFAS from the environment. It is necessary because these products are already highly regulated, and critical to human and animal health. Any changes to the products and components due to the legislation's PFAS limitations will require substantial testing, taking years, to confirm efficacy and safety before the regulations can be changed to allow the products use. As written, the current legislation effectively overrides these regulations, risking the removal of life-saving products from the market. This puts the public's health at risk, and we encourage the committee to specify the importance of coordinating PFAS regulations with regulations aimed at delivering critical and life-saving diagnostic tests by exempting regulated products from this law.

Our final recommendation relates to LD 1537 that grants the department the authority to approve PFAS descriptions in situations where a CAS registry number may not be available. This is likely to involve the Department in classifying potentially thousands of materials, which will result in delays and increases uncertainties for compliance. We therefore recommend the use of other regulatory nomenclature, such as IUPAC nomenclature for organic chemistry to describe PFAS compounds.

IDEXX again thanks the Committee for the opportunity to provide comments and I would be happy to answer any questions.