

April 2023

To: The Committee on Environment and Natural Resources

**RE: Reporting of Perfluoroalkyl and Polyfluoroalkyl Substances - LD 217, 1214, 1273, and 1537**

Senator Brenner, Representative Gramlich, and distinguished Committee Members,

My name is Stacey Keefer; I am a resident of Union. I am speaking to you today in my capacity as the Director for the Maine Marine Trades Association (MMTA). MMTA represents over 120 Maine businesses and an industry comprised of boatyards, boat builders, marinas, boat dealers, and marine retailers located throughout the state. Our industry provides an annual economic impact of \$2.9 billion in Maine according to data from the National Marine Manufacturer's Association. The boating industry serves commercial vessels including fishing and sea farming, recreational boaters, tour boats, plus other essential service providers such as the US Coast Guard, police, harbor masters, and Maine state agency vessel fleets.

On behalf of the members of MMTA, thank you for the opportunity to speak about these multiple bills that aim to change the new Chapter 90 regulations. We have been doing our best to respectfully participate in the rulemaking process and never participated in the original public hearing for the bill that created this law (LD 1503 in the 130<sup>th</sup> Legislature) because the language appeared to apply to large corporations outside of Maine who manufacture chemicals and/or intentionally add PFAS to products. There were only 35 submissions of public testimony at that time, and we believe many small businesses would have testified if they understood the enormous impact of the legislation. We appreciate that some of our concerns have been alleviated in the rulemaking process, however we continue to have some significant concerns about probable impacts and the time that may be needed in order to reach compliance.

Maine boat builders make very few of the items that are included in the boats that are sold under their brand names, but the new reporting law will require them to report on all of the items included in their finished product. Their manufacturing is predominantly an assembly process of smaller components, electronics, accessories, fabrics, fasteners, and engines. A modest 20-foot boat can have a thousand separate parts, or more (see attached information on stock keeping units). Overwhelming reporting requirements that may require destructive testing by a laboratory, will simply send boat sales out of state unless all states have equivalent requirements.

Rather than address specifics of each bill, I will list some key statute and rule changes that we believe are needed in order to help the State of Maine start to gather desired information, but hopefully avoid overburdening our boat builders, dealers, and marine manufacturers. We very much appreciate the proposal to exempt the smallest companies from the reporting requirement, however our marine manufacturers who have 11-200 employees are also going to struggle to meet compliance unless other changes are made.

**Start at the Source:** In order for an assembler of complex products to be able to reference reports from original manufacturers of subcomponents, reporting needs to begin at the start of the supply chain. Destructive testing is costly, wasteful, and time consuming for those at the end of the supply chain. An engine dealer should not have to destroy an engine in order to sell an engine.

**Time:** More time is critical for manufacturers of complex products that contain thousands of components. Maine is boldly trying to enforce national and international reporting cooperation, yet there is no incentive for most foreign suppliers to comply because Maine is such a small market percentage in a massive global economy. Or if they do voluntarily report, there is no capacity for the State of Maine to conduct testing to verify reporting accuracy.

**Prioritization:** Reporting for over 12,000 separate chemicals is going to need a complex database. It would be helpful to look at the risk of exposure to different PFAS chemicals or groups of chemicals. California started the process to phase out their PFAS in products by focusing on cosmetics and textiles. We support using a similar, risk-based approach to initiate the program.

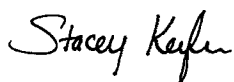
**Considerations for Custom Manufacturing:** Manufacturers of marine products typically sell custom, or semi-custom final products so reporting is not a one-time challenge. Each new owner orders a different accessory package with different electronics, engine options, fabrics, and interior layouts. Sail and canvas shops rarely make the exact same product because every boat is different. It would be helpful to allow reporting for an average-size product, or a range for PFAS content between one of their smallest and largest products.

**Considerations for Using Recycled Content:**

Please allow for an exemption if using recycled content if no PFAS is intentionally added to that repurposed content. Otherwise, the use of recycled content becomes undesirable.

In summary, we would like to request language or rule change considerations that will help alleviate these reporting burdens for our small Maine boat building businesses and marine dealers so they can continue to competitively sell their complex and very customized products in Maine. We will help our members prepare for future reporting once there are base level reports for most marine components. If there is any sort of resolve created on this topic, we are happy to work with the Department and our national colleagues to help prioritize reporting for any chemicals that could be targeted for the first phase of reporting.

Respectfully,

A handwritten signature in black ink that reads "Stacey Keefer". The signature is written in a cursive, flowing style.

Stacey Keefer  
Maine Marine Trades Association, Executive Director