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DEPARTMENT OF ENVIRONMENTAL PROTECTION



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COMMISSIONER

TESTIMONY OF
MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION
SPEAKING IN OPPOSITION TO

L.D. 827
AN ACT TO ALLOW THE SALE OF POLYMER-COATED COOKWARE THAT IS
AUTHORIZED FOR FOOD CONTACT BY THE UNITED STATES FOOD AND DRUG
ADMINISTRATION

SPONSORED BY SENATOR TIMBERLAKE

AND

L.D. 987
AN ACT CLARIFYING EXEMPTIONS FROM THE NOTIFICATION REQUIREMENTS
FOR PRODUCTS CONTAINING PFAS

SPONSORED BY SENATOR FARRIN

BEFORE THE JOINT STANDING COMMITTEE
ON
ENVIRONMENT AND NATURAL RESOURCES

DATE OF HEARING:

March 17, 2025

Senator Tepler, Representative Doudera, and members of the Committee, I am Kerri Farris, I manage the Safer Chemicals Program at the Department of Environmental Protection, speaking in opposition to L.D. 827, regarding an exemption to an upcoming sales prohibition for cookware treated with certain types of PFAS, and L.D. 987, regarding an expansion of exemptions to the sales prohibitions for products sold in Maine containing intentionally added

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PFAS under the category of “motor vehicle or motor vehicle equipment”.

L.D. 827

Under the proposal in L.D. 827, the scope of products included in the definition of “cookware product” would be significantly narrowed so that only products used on a cooking surface or in an oven would be subject to the law. This would exclude many products used for food preparation where concern for exposure to intentionally added PFAS remains. Most significantly, L.D. 827 proposes to exempt any polymer-coated durable item used on a cooktop or in an oven that is authorized for food contact by the US Department of Health and Human Services, Food and Drug Administration. Moreover, the proposed legislation would carve out cookware products with a cooking surface that contains the specific PFAS chemicals polytetrafluorethylene, fluorinated ethylene propylene or perfluoro alkoxy alkane from the 2026 sales prohibition.

L.D. 987

Similarly, L.D. 987 would amend the PFAS in Products law by substantially expanding the scope of products included in the exemption for “motor vehicles and motor vehicle equipment” to include related textile articles and refrigerants that are component parts of motor vehicles and motor vehicle equipment, which under current statutory language are prohibited in 2032 and 2040 respectively. L.D. 987 does not propose to change similar provisions for textile articles and refrigerants related to other product categories, such as watercraft, which will create confusion for manufacturers whose products may be used for multiple product types.

L.D. 987 also proposes numerous new examples of products that would be exempted as “other motor vehicle(s)”, including equipment used in a wide range of settings such as farming, forestry, construction, mining, gardening, general outdoor use, aviation, and racing. The proposed amendment would exclude all internal combustion engines, power sources such as batteries, products used for the generation and distribution of electricity, infrastructure devices, general equipment used for the transmission of information, and power tools, among other things. This proposed legislation would exempt such a broad range of products that the original subject of the exemption, “motor vehicle or motor vehicle equipment”, would no longer

accurately capture the category of products included.

Both proposals are counterproductive to the legislative intent of protecting the environment and consumers from PFAS exposures and will lead to confusion in commerce about compliance with Maine's law. Further, the carve-out in these proposals is unnecessary, as current law allows for continued use of prohibited chemicals when there is a currently unavoidable use such that the health, safety, and functioning of society would be negatively impacted by the product's absence.

It is also likely that these proposed exemptions would invite many more legislative proposals seeking similar carve-outs for products too numerous to list here. Legislative stability assists the Department in successful program implementation.

For these reasons, the Department is opposed to both L.D. 827 and L.D. 987.

Thank you for the opportunity to provide testimony. I am available to answer questions of the Committee, both now and at work session.