



Solutions for a
Toxic-Free Tomorrow

Testimony of Sarah Woodbury, Vice President of Policy and Advocacy, Defend Our Health
In Opposition of LD 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" and LD 987
"An Act Clarifying Exemptions from the Notification Requirements for Products Containing
PFAS"

Before the Environment and Natural Resources Committee
March 17, 2025

Senator Tepler, Representative Doudera, and members of the Environment and Natural Resources Committee. My name is Sarah Woodbury. I am the Vice President of Policy and Advocacy for Defend Our Health. Defend Our Health's mission is to make sure that everyone has equal access to safe food and drinking water, healthy homes, and products that are toxic-free and climate friendly. I am here to testify in opposition of LD 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" and LD 987 "An Act Clarifying Exemptions from the Notification Requirements for Products Containing PFAS".

Defend has been working on the issue of PFAS in Maine for over 7 years. Part of that work has been in this committee to pass the first in the world PFAS Products law to protect the health and environment of all Mainers. The legislature passed LD 1503 "An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution" in 2021 to phase out the use of PFAS in products because of the very real PFAS crisis that is facing the state of Maine. Last session, LD 1537 "An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution and to Provide Additional Funding" was passed. LD 1537 amended LD 1503 to help make implementation of the PFAS Products Law easier for the Department of Environmental Protection (DEP) and to provide exemptions for certain sectors. Defend worked hard with industry and the DEP to come to a compromise. I will be honest and say we didn't like the exemptions that were allowed under LD 1537, but we supported it as a compromise. The work to come to that compromise took the entirety of the 131st legislative session. 2 years to amend the law to help industry comply with it and provide exemptions for products where substituting PFAS would be difficult. Two years. At no point during those two years did we hear concerns from the cookware industry. The concerns from the farm equipment manufacturers were not raised until the very last day of the process during the final work session. They had ample time to have their voices heard and they did not engage in the process.

The DEP is in the process of rulemaking in regard to the PFAS products law. Any amendments to the law will delay the rulemaking process. Additionally, there is a process written into the law where manufacturers can ask the DEP for a Currently Unavoidable Use (CUU) designation if they can show that the use of PFAS in their products is necessary for the "health, safety, and functioning of society" as laid out under the law.



While we oppose both bills, LD 827 is particularly troublesome. Ingestion is the main source of PFAS exposure¹ and to ask to allow exemptions for cookware is, quite frankly, outrageous. The argument that is being used is that these polymer-coated durable items are authorized by the FDA for food contact. The FDA is far behind states and the EU when it comes to making sure food contact materials are safe. For example, Maine bans phthalates in food packaging because of the health impacts and the FDA still allows 9 phthalates to be utilized in food packaging. Maine banned PFAS in food packaging long before the FDA did and even now, the FDA's phase-out is voluntary. The Cookware industry states that their products are safe under "normal conditions".² As anyone who has ever owned a Teflon pan knows, most consumers do not follow the guidelines for use, causing the Teflon coating to flake off becoming microplastics³, a growing concern for human health⁴, which humans ingest. The manufacturers of PTFE expressly tell consumers not to put pet birds in the kitchen when using PTFE-coated pans because birds are very sensitive to the harmful effects of the PTFE fumes - effects in birds have been seen when heating pans as low as 326°F⁵. PFAS in cookware isn't a necessity, it is a convenience. There are plenty of available alternatives including stainless steel, cast iron and PFAS-Free nonstick pans such as Green Pan.

LD 987 unnecessarily expands the list of products exempt under LD 1537. And while the main focus seems to be expanding what is considered farm equipment, it doesn't just apply to farm equipment. It also takes out the ban on PFAS in any textiles or refrigerants that are in motorized vehicles. Consumers are directly exposed to PFAS through textiles and refrigerants in cars, trucks, etc. We should be reducing sources of exposure, not increasing them. Allowing exemptions for these vehicles but still regulating the PFAS in the textiles and refrigerants was one of the many compromises that was reached when LD 1537 was passed last session. Refrigerants are of particular concern as they are a significant portion of PFAS contamination in

¹ Centers for Disease Control and Prevention. (2024, November 12). *Human exposure: Pfas information for clinicians - 2024*. Centers for Disease Control and Prevention. <https://www.atsdr.cdc.gov/pfas/hcp/clinical-overview/human-exposure.html#:~:text=Ingestion%20of%20food%20and%20water,of%20exposure%20sources%20can%20vary.&text=swallowing%20contaminated%20soil>.

² DiLorenzo, M. J. (2024a, July 24). *Is it safe to use scratched nonstick pans? here's what experts say*. Simply Recipes. <https://www.simplyrecipes.com/is-it-safe-to-use-scratched-nonstick-pans-7480071>

³ Silva, D. J. da, Fang, C., Halstead, J. E., Jin, N., Sobhani, Z., Bescond, A., Borek-Dorosoz, A., Buck, R. C., Cowger, W., Dychalska, A., & Farronato, G. (2022, August 27). *Raman imaging for the identification of Teflon Microplastics and nanoplastics released from non-stick Cookware*. Science of The Total Environment. <https://www.sciencedirect.com/science/article/abs/pii/S004896972205392X>

⁴ Chartres, N., Cooper, C. B., Bland, G., Pelch, K. E., Ghandi, S. A., BakenRa, A., & Woodruff, T. J. (n.d.). *Effects of microplastic exposure on human digestive ...* ACS Publications. <https://pubs.acs.org/doi/10.1021/acs.est.3c09524>

⁵ Chemours.com. (n.d.). *Teflon™ cookware and bird safety | teflon™ pots and pans*. Teflon. <https://www.teflon.com/en/consumers/teflon-coatings-cookware-bakeware/safety/bird-safety>



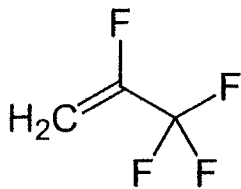
the environment⁶. Additionally, other than the textiles and refrigerants, any of the items that are listed in LD 987 are eligible to apply for a currently unavoidable use (CUU) designation under the law. Manufacturers of those products can apply for a from the department as part of the implementation of LD 1537. To open up the products law yet again, particularly when all of these manufacturers had the opportunity over the last two years to argue for exemptions, makes little sense. It will continue to delay implementation of the law. Each of these manufacturers should be required to utilize the CUU designation through the DEP, not be granted exemptions.

We urge the committee to refrain from allowing even more PFAS contamination into the state and vote "ought not to pass" on both LD 827 and LD 987.

⁶ European Chemicals Agency. [Annex XV Restriction Report](#). Proposal for a Restriction: Per- and Polyfluoroalkyl Substances (PFASs), Version Number 2. March 23, 2023

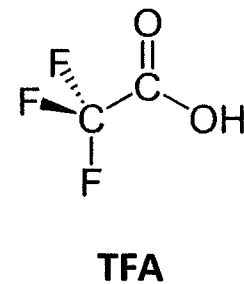
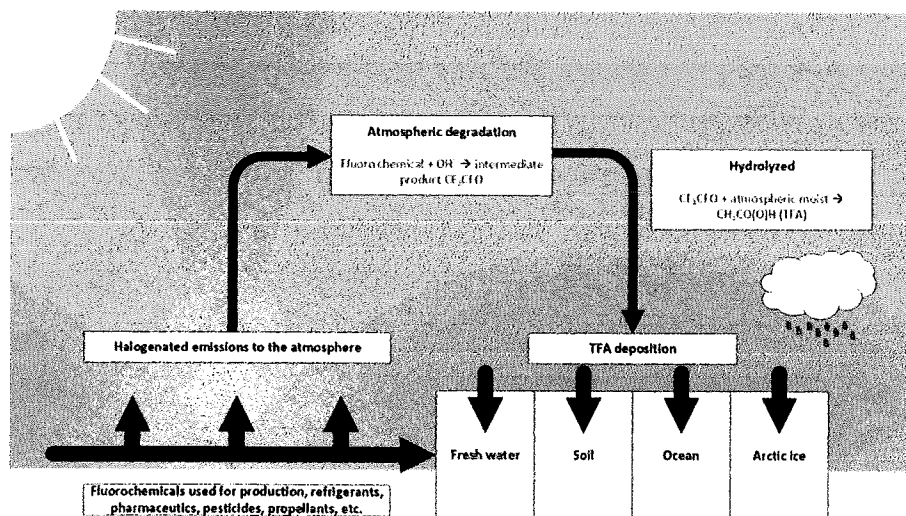
Fluorinated Gases Threaten Maine with PFAS Pollution

- Most fluorinated gases are PFAS because they contain “at least one fully fluorinated carbon atom,” the definition of PFAS in laws passed by Maine and 22 other states, and by Congress in the National Defense Authorization Act of 2021, 2022, and 2023
- **HFOs are PFAS-based fluorinated gases (F-gases)**



For example, this is HFO-1234yf (known as 2,3,3,3-tetrafluoropropene), which is a hydrofluoroolefin (HFO) produced by Honeywell and Chemours

- Heat pumps leak 1% to 5% of their refrigerant every year; auto air conditioners leak even more, 10% to 20% annually
- HFOs break down in the air to ultra-short chain PFAS, such as trifluoroacetic acid (TFA), which is washed out by rain



Source: [Report and statement on the downsides of HFO refrigerant usage - Impact of fluorinated refrigerants and their degradation products on the environment and health](#), Refolution Industriekälte GmbH, February 2021, 28 pp.

- “TFA removal from raw waters used for drinking water is difficult”
Scheurer et al. (2017) [Small, mobile, persistent – Trifluoroacetate in the water cycle](#). *Water Research*. 126:460-471.