

Solutions for a Toxic-Free Tomorrow

## Testimony of Sarah Woodbury, Vice President of Policy and Advocacy, Defend Our Health In Opposition of LD 1982, "An Act to Ensure Uniformity in the Regulation of PFAS" Before the Environment and Natural Resources Committee May 19, 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 extreme opposition of LD 1982, "An Act to Ensure Uniformity in the Regulation of PFAS." This legislation would weaken Maine's definition of PFAS, putting the health and safety of all Mainers at risk.

Defend has been working on the issue of PFAS in Maine for over 7 years. One of the first pieces of legislation that was passed in regard to PFAS was Maine's ban on PFAS in food packaging in 2019. This is the first place in Maine statute where the current definition of PFAS appears. The definition states "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom." This definition has since been used as part of the groundbreaking PFAS products law that was passed in 2021 and in other places in statute. The definition that Maine uses is used in 23 other states, by the Department of Defense, and Congress. Most importantly, it is the definition that a large portion of non-industry scientists agree is the correct definition for PFAS.<sup>1</sup> PFAS are defined by their carbon–fluorine bonds, among the strongest in organic chemistry, which make them extremely persistent in the environment. This is the basis for their nickname "forever chemicals." The definition in Maine state statute reflects this scientific understanding and aims to capture all potentially harmful PFAS.

Capturing all PFAS as a class is critical to avoid "regrettable substitutes". There are already over 15,000 types of PFAS and industry will continue to make more to avoid regulations that are overly narrow like this. The definition put forward in this legislation only includes PFAS that have one of 3 specific chemical shapes. If a chemical doesn't match one of those shapes, it doesn't count as a PFAS—even if it contains fluorine or could be harmful in the environment. It's like saying: "We'll only call it a fruit if it's exactly this size, shape, and color." Even though there are other fruits—different shapes, colors—that can still decompose the same way. Chemicals that look and act like PFAS and may last a long time in the environment or turn into PFAS that are harmful to health, are left out just because they don't have the right shape.

<sup>&</sup>lt;sup>1</sup> Google. (2024, May 7). Scientists' statement on defining pfas.pdf. Google Drive. https://drive.google.com/file/d/1YLB2zvWG5Ez6VeMqqbw77LpVEj0JTj1H/view



With the proposed definition, several notable chemicals will no longer be considered PFAS under state law, leaving out several PFAS that are linked to serious health issues and impact the environment. Some of those PFAS are things like Fluoropolymers. Fluoropolymers include things like PTFE or as it is more commonly known, Teflon. Teflon is used in cookware to make it non-stick. This committee already voted against a bill that would have exempted cookware from Maine's products law. The manufacturing of fluoropolymers causes huge, persistent environmental contamination — with 80% of historical PFAS environmental contamination estimated to have originated from polymer production.<sup>2</sup> Fluoropolymers are made with PFAS like *PFOA and GenX* that are linked to serious health issues.<sup>3</sup>

Another group of PFAS that this bill would leave out is Fluorinated gases. F-gases are the main source of PFAS pollution globally and are accumulating at alarming rates<sup>4</sup>. They can persist in the atmosphere for a long time and contribute to global warming. There is no reason PFAS in gas form should be excluded from the definition.

LD 1982 creates loopholes in Maine's PFAS laws and allows dangerous chemicals to escape regulation. It ignores the bigger picture: that PFAS are harmful because they don't break down and can build up in people, water, and the environment. Additionally, it ignores the consensus of most non-industry scientists. Maine has been a leader on the issue of PFAS and we should continue this role. LD 1982 is a massive step back and would allow many dangerous PFAS to end up in our environment and in our bodies. Therefore, I urge you to vote "ought not to pass" on LD 1982.

<sup>&</sup>lt;sup>2</sup> Prevedouros, K., Cousins, I., Buck, R., & Korzeniowski, S. (2006, January 1). Sources, Fate and transport of Perfluorocarboxylates. Environmental science & technology. https://pubmed.ncbi.nlm.nih.gov/16433330/

<sup>&</sup>lt;sup>3</sup> Fact sheet: Genx chemicals toxicity assessment. U.S. Environmental Protection Agency. (2021). https://www.epa.gov/system/files/documents/2023-03/GenX-Toxicity-Assessment-factsheet-March-2023update.pdf

<sup>&</sup>lt;sup>4</sup> *F-gases Unveiled as Primary Contributors to the PFAS Pollution Crisis.* ChemSec . (2024, May 16). https://chemsec.org/f-gases-unveiled-as-primary-contributors-to-the-pfas-pollution-crisis/

## Examples of chemicals that are left out of the definition in LD 1982.

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Table 1: Select important PFAS that are left out of this unscientific definition						
TFA		Breakdown product of HFOs; used in medicinal and pesticide production; used in cosmetics				
HFO-1234ze		Converted in atmosphere to HFC-23, one of the most potent Global Warming Potential chemicals				
HFO-1234yf		Adopted by transportation/auto industry as a near drop-in replacement for HFCs				
PVDF		Widely used in the chemical, semiconductor, medical and defense industries, as well as in lithium-ion batteries (battery binder); Vinyl chloride, hydrofluoric acid, and chlorine are required for synthesis - second highest production volume fluoropolymer				
tetrafluoroethene		Used to make PTFE (Teflon) which is used in cookware.				
BPAF		Reported to be as toxic, if not more toxic, than BPA, depending on the end point of interest. Detected in metal and paper and board and plastic derived food packaging (see <u>Phelps et al.</u> )				
1,1,1,3,3,3- Hexafluoro-2- propanol		Present in food packaging - detected in polyethylene terephthalate (PET) (see Food Packaging Forum <u>fccmigex</u> )				

## Annual Environmental Releases of PFAS from Use in Manufacturing & Products

Emission Source from PFAS Emissions		AS Typ	e	PFAS Emissions (metric tons per year)	Percent of Total Emissions
		F-Gases	Polymeric		
Fluorinated gases (F-gases) as refrigerants used in HVACR, and as foam blowing agents		х		38,806	52 %
Textile, upholstery, leather, apparel, and carpets (TULAC)			х	22,820	31 %
Medical devices		х	х	5,901	8 %
Construction products	x		х	2,489	3 %
Manufacture of PFAS		х	х	2,082	3 %
Electronics and semiconductors		?	х	671	1%
Food contact materials and packaging		e	Х	591	0.8 %
Transport			х	439	0.6 %
Lubricants		x	х	220	0.3 %
Energy sector			х	55	0.1 %
Cosmetics				32	0.04 %
Consumer mixtures				23	0.03 %
Metal plating & manufacture of metal products				6	0.008 %
Ski wax				1	0.001 %
Petroleum and mining				1	0.001 %
TOTAL				74,137	100 %

PFAS emissions in the European Union; mid-level estimates by the European Chemicals Agency

HVACR = Heating, ventilation, air conditioning, and refrigeration equipment

PFAS = Per- and polyfluoroalkyl substances

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PFFAs = Perfluoroalkyl acids and their precursors (i.e., other PFAS compounds that break down into PFAAs) Polymeric = PFAS with a molecular structure made up of many repeating units as in a plastic or resin

SOURCE: European Chemicals Agency. <u>Annex XV Restriction Report</u>. Proposal for a Restriction: Per- and Polyfluoroalkyl Substances (PFASs), Version Number 2. March 23, 2023.