



May 3, 2021

Honorable Stacy Fielding Brenner, Senate Chair
Honorable Ralph L. Tucker, House Chair
Committee on Environment and Natural Resources
100 State House Station
Augusta, ME 04333

Re: HCPA Comments on Legislative Document (LD) 1503 (HP 1113) - An Act to Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution

Dear Senate Chair Brenner, House Chair Tucker, and Distinguished Committee Members:

The Household and Commercial Products Association (HCPA) appreciates the opportunity to provide comments to the Committee on Environment and Natural Resources regarding [LD 1503 \(HP 1113\)](#). While HCPA supports sensible regulation on priority chemicals, we respectfully oppose LD 1503 (HP 1113) due to overly broad language included in certain sections of the bill. Although HCPA members do not include intentionally added PFAS in their product formulations, we are, however, concerned that the excessively broad definition will capture products that are not considered PFAS.

As North America's premier household and commercial products trade association, we represent the interests of entities engaged in the manufacture, formulation, and distribution of trusted and familiar supplies that help our communities create a cleaner and healthier environment. Products that HCPA represents include, but are not limited to, disinfectants that are designed for use against germs and human pathogens in homes and institutional settings; pest management products in homes as well as for lawns and gardens; cleaning products which are essential in combating COVID-19; polishes; aerosol products; and a host of other products used every day.

PFAS Nomenclature

Perfluoroalkyl and polyfluoroalkyl (PFAS) substances are a large, diverse group of over 1,000 chemical compounds. PFAS properties vary widely and are uses and applications. For this reason, it is important to distinguish between PFAS categories, use, function, and chemical properties as opposed to treating the substance as a single regulatory group.

Chemical and structural differences among different types of PFAS may create physical-chemical properties that underline legitimate concerns over potential health and environmental risks associated with some substances—this most certainly does not apply to all PFAS chemicals and applications. For this reason, PFAS should not be considered as a single group or class, especially given it is possible to scientifically define distinct categories of PFAS based on shared properties.

A class approach to regulation is not scientifically accurate and can lead to unjustified product restrictions. For example, one of the sectors represented by HCPA is the aerosol market which has many important household and commercial applications. Aerosol propellants are highly regulated by state and federal governments, and producers have gone to great lengths in recent years to manufacture and innovate more environmentally preferable products, especially reducing global warming potential (GWP). Hydrofluoroolefin (HFO) technology has been recognized for its minimal global warming potential, low to non-flammability, zero ozone depletion, and also quickly degrades in the environment. HFOs are a compound consisting of hydrogen, fluorine, and carbon. Some HFOs have a fully fluorinated carbon, which would unfortunately result in these propellants being captured by the definition of PFAS as currently proposed in LD 1503 (HP 1113). Aerosol propellants are not and have never been considered a PFAS substance. The use of such a broad definition could needlessly restrict access to products and technologies deemed safe and environmentally beneficial.

Definition of Products

PFAS substances are used in a wide range of technical applications and consumer products. For this reason, a more evidence-based approach to decision-making is by differentiating between essential and non-essential uses of PFAS in products. There are specific uses of PFAS in products that make an immediate ban of all fluorinated substances not only impractical but could also have a negative impact on functionality and performance of essential products. For example, medical textiles are an example of where technical standards to protect human lives require a certain performance that may be difficult to meet without the use of PFASs. Some specific uses of PFAS are essential for certain medical equipment and devices (e.g., electronic devices that rely on high frequency signals, such as defibrillators) for which alternatives so far do not exist.¹

¹ I. T. Cousins, G. Goldenman, D. Herzke, R. Lohmann, M. Miller, C. A. Ng, S. Patton, M. Scheringer, X. Trier, L. Vierke, Z. Wang and J. C. DeWitt, The concept of essential use for determining when uses of PFASs can be phased out, *Environ. Sci.: Processes Impacts*, 2019, 1–13, [10.1039/c9em00163h](https://doi.org/10.1039/c9em00163h).

Additionally, the broad product definition turns to capture all packaging, regardless of its application, which could have a far-reaching impact on the use of post-consumer recycled content. This is counter to ongoing efforts to increase the use of recycled materials to reduce waste. A refined definition of products could mitigate unintended consequences in the marketplace.

Conclusion

The safety of human health and the environmental is a top priority for HCPA and our member companies. HCPA supports efforts to address the release of PFAS into the environment; however, we believe LD 1503 (HP 1113) would benefit from a refined definition of PFAS and products to mitigate possible unforeseen consequences within the supply chain. For the reasons outlined above, HCPA respectfully requests that you oppose LD 1503 (HP 1113) and take into consideration the points set forth in this letter.

Respectfully submitted,

Michelle Lopez Kopa

Cc: Sabrina Carey, Clerk - ENR@legislature.maine.gov