May 3, 2021

Co-Chairs and Members of the Environment and Natural Resources Committee:

Thank you for the opportunity to speak to LD 1503 related to PFAS. My name is Robert Simon and I am testifying today on behalf of the overall American Chemistry Council (ACC).

We support the strong, science-based regulation of chemicals, including PFAS substances. Indeed our industry has worked proactively and played a leadership role in helping manage specific PFAS chemistries which are the subject of this bill. For example, in 2006 our industry partnered with US EPA on its Long-Chain PFAS Stewardship Program, investing over $700 million in research and development. This included a commitment to cease the manufacture and use of PFOA and PFOA-related chemicals and also an agreement for all new PFAS chemistry to undergo enhanced regulatory review before being permitted on the market.

However in its current form, LD 1503 legislation is overly broad, lacks scientific basis and will have significant unintended consequences for Maine.

I would like to emphasize four (4) key points today:

1. PFAS are actually a diverse universe of chemistries that enable a huge range of products and sectors– everything from electronics, semiconductors, automotive, aerospace, alternative energy. However, all PFAS are not the same. It is not scientifically accurate or appropriate to group all of these chemistries together. This broad universe of chemistries includes liquids, gasses and solids – in no other area do we treat all of these the same and that should be no different here.

    - There has been a lot of work done in this area to assess individual PFAS compounds and to look at appropriate sub-groupings within this broad universe. Grouping all of these substances together is also inconsistent with the views of key policy organizations including NAS, ECOS as well as various states that have looked at this specifically. See PFAS Grouping: An Emerging Scientific Consensus.

    - The fact is that that the focus in this area to date has largely been on two specific PFAS substances – PFOS and PFOA. These substances are no longer produced in the U.S., Europe or Japan. And other PFAS substances should not be confused with these.

    - There are clear scientific rationales for not treating all PFAS the same. For these reasons, different PFAS require different regulatory approaches. Given these differences, efforts to regulate all PFAS together will not be effective and will not address current regulatory priorities.

2. The Committee will hear testimony today from other stakeholders emphasizing this point, but in its current form LD 1503 is extremely broad. Such overly broad and non-scientific approaches to PFAS will a.) undermine efforts to implement effective regulatory policies for PFAS and b.) have

far reaching negative consequences on a broad swath of the economy including aerospace, autos, alternative energy, healthcare, building and construction, electronics, pharmaceuticals, and agriculture.

- Today's PFAS are essential to modern life and an important enabling technology. The strong fluorine-carbon bond allows PFAS chemistries to provide products with strength, durability, stability, and resilience. These properties are critical to the reliable and safe function of a broad range of products that are important for industry and consumers. PFAS play a vital role in everything from designing automobiles with lower emissions and improved safety, reliability and fuel-efficiency to manufacturing semiconductors, solar panels and high performance electronics. Multiple other industries depend on high-performance PFAS including aerospace, alternative energy (solar, wind), healthcare, building and construction, electronics, chemicals and pharmaceuticals, oil and gas, and outdoor apparel and equipment, just to name a few.

- In this regard, the legislation would undermine effective product design, and in some cases, even overall product safety and efficacy for a broad range of products - including applications that are important for public safety and public health . Just as one critical example and timely example, this bill would currently restrict critical materials that are essential to the COVID vaccine distribution and COVID testing, as well as the medical equipment used by healthcare providers that are on the front-line o fighting the COVID pandemic. This may not be what was intended by this legislation but this is the reality.

- This bill would also adversely impact critical uses of this technology that are important for our society's broader sustainability objectives, including support for alternative energy and greenhouse gas reduction efforts.

3. The proposed legislation runs counter to and conflicts with national chemical and product safety regulations, including products approved by the Food and Drug Administration for food and medical applications.

   - So even if you have a material that is approved by the FDA for a medical devices or for medical packaging that has been designed to meet specific, federal safety standards, those uses would be restricted under this legislation unless DEP completes a rulemaking to exempt this use.

   - DEP will be completely overwhelmed by the thousands of important uses that will need to be granted an exemption or otherwise banned. And as stated before, will be a drain on the DEP's resource preventing it from focusing on the real policy priorities in is area and more broadly.

   - Key uses that would be restricted under this legislation include (and these are just examples not a full list):

     - Essentially all electronics – including cell phones, laptops, tablets
     - All products utilizing semiconductors
     - Optical and data transmission cables

- Various medical devices and equipment, medical packaging, medical equipment including PPE
- Pharmaceuticals that rely on this technology
- Refrigeration units of all kinds
- All HVAC/air condition units for both residential and commercial
- Automotive products, including essential automotive engine parts
- Aerospace products
- Batteries both standard dry cell and lithium batteries that rely on the corrosion protection of PFAS
- Photovoltaics (solar-panels) which rely on PFAS technology for solar cell efficiency
- Other products important for alternative energy production, storage and use – including solar cells, battery storage, wind turbines
- Paints and coatings including low-VOC materials that improve indoor air quality
- Agricultural films for greenhouse gases
- Agricultural products
- Metal plating and metal coatings
- Industrial piping, vessels, fluid-handling components, filters, vents and cables – that are essential to ensure safe operations of facilities

4. Finally, this legislation would foster an unworkable patchwork of state regulation with significant implications for Maine citizens, businesses and public entities – effectively isolating Maine from the rest of the country.

    - No other state has even considered such an extreme and unworkable approach to this broad and important class of chemistry.

    - For all of the reasons noted in this testimony, this legislation would have a significant impact on Maine in terms of the availability of critical products that are approved and used elsewhere not to mention the absolutely devastating socio-economic impact on Maine economy.

In conclusion, to the extent this legislation is considered further, it should be refined to focus on science based actions. We think there are opportunities to take a more targeted approach to address any concerns in this area, and we look forward to working with the Committee and stakeholders to address these issues.

Thank you again for the opportunity to testify today and share our views on LD 1503.