



Maine Grocers &
Food Producers
Association
PO Box 5234
Augusta, ME 04332
207.622.4461
info@mgfpa.org

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IN SUPPORT – LD 217 ‘An Act to Support Manufacturers Whose Products Contain Perfluoroalkyl and Polyfluoroalkyl Substances’
(as amended)

IN SUPPORT – LD 1214 ‘An Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination’

IN SUPPORT – LD 1273 ‘An Act to Exempt Some Businesses from Certain Laws Relating to Perfluoroalkyl and Polyfluoroalkyl Substances in Accordance with the Size of the Business’

IN OPPOSITION – LD 1537 ‘An Act to Amend the Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution and to Provide Additional Funding’

Dear Senator Brenner- Chair, Representative Gramlich - Chair, and Members of the Committee on Environment and Natural Resources,

My name is Christine Cummings and I am the Executive Director of the Maine Grocers & Food Producers Association (MGFPA). Unfortunately, I’m unable to be here in person today as we’re hosting our association’s annual meeting and professional development conference but please do not misconstrue my absence as a lack of interest in this important issue. The Maine Grocers & Food Producers Association is a business trade association representing Maine’s food community; Main Street businesses, including independently owned and operated grocery stores and supermarkets, food and beverage producers and processors, manufacturers, wholesalers, distributors, and supportive service companies.

We stand united in the front to combat PFAS while understanding it’s a complex issue. While we support the phase out of PFAS chemicals where there are safer alternatives, we have expressed significant concerns for the business community specific to the January 1, 2023 reporting deadline. Challenges to comply were exacerbated by the ongoing supply chain and labor issues, lack of available testing for the scale of the program, and complex program rules that have yet to be finalized – evident by the thousands of extension requests. We appreciate the Department’s willingness to offer extension requests for businesses to begin to fully understand how to comply with Maine’s PFAS in Products law.

We agree that focusing on intentionally added substances is the correct action. PFAS contamination will be an issue across many different products, however, we recognize the challenge that exists for both the regulator and the regulated parties to comply with this new law.

MGFPA has been actively engaged through the passage of the PFAS in Products law (38 MRSA s. 1614) including as recently as last Thursday’s draft rule making. We value the Board of Environmental Protection’s understanding of this complex issue, specific to the draft rules, in place effective date, and that businesses are looking for guidance to comply while there are simultaneously efforts to modify the policy to address feasibility concerns.

While not specific to any legislation heard today, we do want to reiterate our support for the draft rules packaging exemption (packaging other than packaging that is recognized as a product). This is a helpful designation as it relates to the Title 32 exemption explicit within the current statute. Specific to food packaging, we anticipate addressing PFAS and other chemicals of high concern in the designated section of statute. It is important to note that the food manufacturers themselves are the furthest removed from PFAS manufacturing, they are simply customers of packaging suppliers. Food packaging must meet food safety requirements, ensure quality and consistency, safeguard the goods during distribution, resist tampering, and guarantee a sustainable shelf life. Food safety is of the utmost priority.

**IN SUPPORT – LD 217 ‘An Act to Support Manufacturers Whose Products Contain Perfluoroalkyl and Polyfluoroalkyl Substances’
(as amended)**

An amendment to allow additional reporting time is a supported approach and it will ideally provide the necessary time for the details of the policy to develop to ensure compliance. Extending the requirement also addresses the strain on the bottleneck of the testing facilities’ capacity. Additional time allows for further collaboration amongst manufacturers to streamline the information available to their customers, our members.

IN SUPPORT – LD 1214 ‘An Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination’

We stand in support of this bill as the most comprehensive approach to adjusting Maine’s first in the nation reporting and registration PFAS in Products law. There is a balance within LD 1214 which addresses the PFAS affecting our natural resources without being detrimental to our economy.

While LD 1214 extends the timeline, similar to other proposals, it also adjusts the definition of "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" to ‘at least 2 sequential fully fluorinated carbon atoms, excluding polymers, gases and volatile liquids.’ Together the extended reporting deadline and definition update make the testing capacities more feasible.

Lastly, by removing the ‘intentionally added PFAS’ requirement it sets the policy up for further success by narrowing the scope without degrading the policy because PFAS can be addressed by future actions of the DEP and rulemaking. We have seen the effort to-date as collaborative while recognizing concerns from stakeholders on both sides of the issue.

IN SUPPORT – LD 1273 ‘An Act to Exempt Some Businesses from Certain Laws Relating to Perfluoroalkyl and Polyfluoroalkyl Substances in Accordance with the Size of the Business’

We value these exemptions which explicitly clarify ‘a product or business’ and retain the federally governing element and exemptions specific to Title 32, chapter 26-A or 26-B. The language goes further to provide additional small business exemptions for those with 10 or less employees and those businesses with less than \$1M in annual revenue. The arbitrary thresholds are challenging and it may warrant referencing other sections of Maine law such as the EPR program for gross revenue thresholds. We also want to express our reservations for exemptions and acknowledge that businesses of all sizes should potentially also be considered responsible in a relevant scaled approach. We ask the Committee to find a balance for Mainers that is feasible, clear and achievable with measurable progress.

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While we are appreciative of the interest to extend the deadline that this bill proposes, it is the shortest reporting deadline extension and we do not believe the capacity constraints will be addressed within the next five months. We are opposed to reintroducing the estimated annual sales volume component specific to address source reduction. While we appreciate the \$20M national sales threshold the exemption is specific to the reporting requirement and not the sales prohibition. This would still lead to complicated policy in which retailers and other manufacturers would be unclear as to whether or not the goods they sell would need to be in compliance to be sold. Plus, the frequency in which the department would create rules identifying additional product categories is aggressive.

In conclusion, many companies have corporate commitments to eliminate the use of PFAS and it’s important to focus on assisting companies with meeting their reduction goals opposed to the complexities of the reporting requirement. We appreciate the Committee’s review of the proposals and encourage changes that align the policy with other states addressing PFAS to create uniformity for compliance and ultimately further effectiveness. MGFPFA and our members offer a commitment to supporting the PFAS reporting and reduction efforts with adequate time and details essential to comply. Thank you for the opportunity to share our concerns with you. Please feel free to contact MGFPFA with any questions.



Christine Cummings
Executive Director