



Honorable Stacy Brenner
Chair, Committee on Environment and Natural Resources
Maine State Senate

April 25, 2023

RE: Support - LD 1214/ SP 495 *An Act to Clarify the Laws Related to PFAS Contamination*

Dear Chair Brenner and Members of the Committee on Environment and Natural Resources,

Daikin America, Inc. requests your support of LD 1214/SP 495 that would provide clarification to Public Law 2021 chapter 477. Currently, this law requires the reporting of products with intentionally added PFAS and would ban products with intentionally added PFAS as of January 1st, 2030, unless DEP determines that the use of PFAS in the product is an unavoidable use.

Daikin America, Inc. recognizes Maine's interest in managing PFAS contamination to protect the health of the state's citizens and the environment. The definition of PFAS in LD 1214/SP 495 focuses on the PFAS chemistries of potential concern for water and soil contamination, the primary issue articulated in the preamble of PL 477. The definition of PFAS in LD 214/SP 495 excludes fluoropolymers, which are large, stable molecules that have been demonstrated to be "polymers of low concern" for potential impacts on humans and the environment. They have low-solubility and therefore are not readily available in water, and do not accumulate in the human body. The definition in LD 214/SP 495 also excludes fluorinated gases, such as the new generation of low global warming potential refrigerants that are already regulated by EPA's American Innovation and Manufacturing (AIM) Act of 2020. As with fluoropolymers, these fluorinated gases do not accumulate in the human body.

In addition, LD 1214/SP 495 would enable greater compliance with the law by providing companies a one-year extension of the deadline for reporting of products containing intentionally added PFAS. Although the reporting requirement was scheduled to go into effect on January 1, 2023, the DEP granted thousands of manufacturers (including Daikin America, Inc.) an extension in recognition of the complications related to reporting including delays in rulemaking, difficulty in obtaining and protecting confidential business information protected by intellectual property laws, disruptions in the global supply chain, and lack of laboratory testing capacity. A one-year extension of the reporting requirement date would provide manufacturers and the DEP needed time to work through these issues.

Lastly, the proposed bill removes the ban on any products with PFAS by January 1, 2030 unless DEP identifies it as an unavoidable use. This provision is unnecessary and duplicative given that the law states DEP can by rule identify products or categories of products that cannot be sold or distributed.

As you know, nearly every sector of the economy, including aerospace, autos, alternative energy, healthcare, building and construction, electronics, pharmaceuticals, and agriculture relies on PFAS chemistries for the reliable and safe function of hundreds of essential products. Your support of LD 1214/SP 495 will help to avoid unnecessary over-regulation of critical fluorine-containing products while still protecting the health of Maine's citizens and the environment.



In conclusion, Daikin America, Inc. encourages the support of LD 1214/SP 495 as a sensible solution to protect health and the environment while providing regulatory clarification and certainty to impacted companies.

Sincerely,

A handwritten signature in black ink, appearing to read "Lorraine Gershman", written in a cursive style.

Lorraine Gershman
Director, Government Affairs and Advocacy