



Via Electronic Mail Only

April 25, 2023

Joint Committee on Environment and Natural Resources
Maine State Legislature
Augusta, Maine 04333

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

Dear Senator Brenner, Representative Gramlich and Members of the Joint Committee on Environment and Natural Resources:

BASF Corporation respectfully requests your support for LD 1214/SP 495, a measure that would clarify Public Law 2021 chapter 477. As you know, the current version of the law requires reporting of products with "intentionally added PFAS" by or on January 1, 2023. Maine DEP would then evaluate whether the reported product involved an unavoidable use or if it should be subject to a statewide ban.

BASF Corporation is the North American affiliate of BASF SE. At BASF, we create chemistry for a sustainable future. We combine economic success with environmental protection and social responsibility.

BASF Corporation recognizes Maine's interest in managing PFAS contamination to protect the health of the state's citizens and the environment. LD 1214/SP 495 furthers this goal by making necessary changes to definitions in current law, specifically for the definitions of "PFAS" and "Intentionally added PFAS". These amendments more closely track the prevailing regulatory landscape throughout the country and provide added clarity to those companies reporting under the law. Hopefully, it then will permit continued use of certain PFAS chemistries with critically important uses and benefits.

LD 1214/ SP 495 would also 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 an extension in recognition of the complications related to reporting including delays in rulemaking, difficulty in obtaining and protecting confidential business information, disruptions in the global supply chain, and lack of laboratory testing capacity. A one-year extension of the reporting requirement date would allow manufacturers and the DEP to work through these issues.

Lastly, the proposed bill removes language from the current law which purports to ban any products with PFAS by January 1, 2030, unless DEP identifies an unavoidable use. This provision is unnecessarily duplicative given that the law determines DEP may analyze reported PFAS products and ban future sales. If DEP determines that such product involves an unavoidable use, that product would be exempt from the law.

BASF Corporation encourages the support of LD 1214/ SP 495 as a more sensible solution to protect health and the environment while providing regulatory clarification and certainty to impacted companies.

Thank you for your consideration.

Kind regards,

/s/ Michael Heltzer

Michael Heltzer
Head of State Government Affairs