Honorable David Bennett
Chair, House Environment and Natural Resources
Committee Rhode Island General Assembly
82 Smith Street
Providence, RI 02903

RE: Oppose- H.7356 "The Comprehensive PFAS Ban Act of 2024"

March 21, 2024

Dear Chair Bennett and Members of the House Environment and Natural Resources Committee,

Thank you for the opportunity to provide comments on H. 7356 "The Comprehensive PFAS Ban Act of 2024," a bill that would prohibit the use of perfluoroalkyl and polyfluoroalkyl substances or "PFAS" in carpets, upholstered furniture, textile furnishings, apparel, cosmetics, juvenile products, cookware and firefighting foam and give authority to the Department of Environmental Management (DEM) to regulate PFAS use.

The American Chemistry Council (ACC) is a national trade association representing chemicals and plastics manufacturers in the United States, including member companies in the state of Rhode Island. Our members are committed to the safety of their products and to the protection of public health.

Over 96% of all manufactured goods are directly touched by the business of chemistry, making this industry an essential part of every facet of our nation's economy. Chemistry provides significant economic benefits in every state including Rhode Island. Thanks to chemistry, our lives are healthier, safer, more sustainable and productive than before. Over 3,000 people are employed by the chemistry industry in Rhode Island.

ACC urges the consideration of these key points and reasons to oppose H.7356:

- **Other states have considered --and rejected-- legislation requiring reporting of products with intentionally added PFAS**. **California Governor Newsom in September 2022 vetoed a bill (AB 2247) similar to the raised Rhode Island bill.** The veto message explained that CA AB 2247 may be "premature" because the US EPA is currently undergoing rulemaking to require reporting of PFAS and that the bill is estimated to "cost millions of dollars" that would result in higher taxes/fees to pay for oversight resources.

- For the second year in a row, Maine has been trying to fix problems with the original law passed in July 2021 (Public Law c. 477). Rhode Island should carefully consider some of the challenges Maine has encountered before moving forward with a PFAS product ban and reporting law.

- Under Maine Public Law c. 477, companies were required to report products with intentionally added PFAS on January 1, 2023. The law also phased out several products with PFAS and states that unless PFAS is deemed a currently unavoidable use, all products with PFAS are banned as of January 1, 2030.

Since enactment of the original law two years ago, Maine has encountered several problems:

- Over 500 stakeholders attended the first Maine Department of Environmental Protection (DEP) webinar on the original law to ask questions and express concerns about compliance.

- A compressed regulatory timeframe resulted in companies being required to report products *before* the draft implementing rule was even posted.

- To date, Maine DEP has issued more than 2500 extensions to companies for reporting products with PFAS due to a variety of reasons:
    - No operational database for manufacturers to submit product information
    - Limited lab capacity across the US to test products for PFAS
    - Complicated supply chains for manufacturers to determine if PFAS is included and in what amount
    - No protections for confidential business information submitted to DEP

Outcome:

- Maine DEP granted over 2500 companies an extension to report.
- The sponsor of the original PFAS reporting and ban bill stated, "We always don't get it right the first time and that is why we have an amendment process."
- Some Maine companies have threatened to leave the state because of the law's requirements.

Maine continues to face challenges with implementation and is considering reforms to the original law, for the second year in a row.

Although ACC supports the strong, science-based regulation of chemicals, including PFAS substances, we respectfully oppose H. 7356. Our industry has worked proactively and played a leadership role in helping manage specific PFAS chemistries that are the subject of this bill.

Our industry partnered with US EPA on its PFOA 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 chemistries to undergo enhanced regulatory review before being permitted on the market. However, H. 7356 that would ban the use of PFAS in certain consumer products and give DEM the authority to regulate PFAS is overly broad, lacks scientific basis and will have significant unintended consequences for Rhode Island.

ACC urges this Committee to consider these additional points and reasons to oppose H.7356:

PFAS is a broad family of chemistry that provides important benefits and enables a diverse range of products and sectors.

PFAS is included in electronics, semiconductors, medical devices, automotive, aerospace, alternative energy and building and construction. They also have important supporting uses in other critical sectors like pharmaceuticals and agriculture.

All PFAS are not the same. It is neither scientifically accurate nor appropriate to group all PFAS chemistries together. This broad group of chemistries includes liquids, gases and solids. In no other area of science do we treat these the same, and that should be no different here.

- PFAS has been the subject of a lot of research and discussion, and more specifically, a lot of work has been done to assess individual PFAS compounds and to consider appropriate sub-groupings within this broad universe. Grouping these substances together as in S.196 is inconsistent with the views of key policy organizations including the National Academies of Science, Engineering, and Medicine (NASEM), the Environmental Council of the States

(ECOS), and various states that have looked at this specifically. See PFAS Grouping: An Emerging Scientific Consensus.

- The focus in this area to date has largely been on two specific PFAS substances – PFOS and PFOA. These substances are no longer produced by our members. Other PFAS substances should not be confused with these two specific PFAS.

- There is a scientific basis 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.

H. 7356 is overly broad; non-scientific approaches to PFAS will both undermine efforts to implement effective regulatory policies for PFAS and will have far reaching negative consequences on the economy.

- 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. Many 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.

- This legislation would undermine product design, safety, and efficacy for a broad range of products, including applications that are important for public safety and public health.

- This bill could 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.

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.

- Even if a material is approved by the FDA for a medical device or for medical packaging that has been designed to meet specific federal safety standards, those uses could be restricted under this legislation if the DEM identifies that product as a priority for restriction, phase-out and ban.

- DEM will be overwhelmed by the thousands of important uses that will need to be granted an exemption or otherwise banned. And as stated before, such an approach will be a drain on the DEM's resources, preventing it from focusing on the real policy priorities.

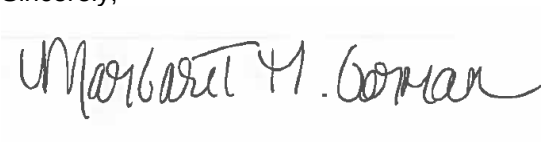
Finally, this legislation would foster an unworkable patchwork of state regulation with significant implications for Rhode Island citizens, businesses and public entities, effectively isolating Rhode Island from the rest of the country.

For the reasons noted in this letter, we respectfully request that the Committee does not move forward with H. 7356.

For additional information or questions, please feel free to contact me at (518) 432-7835 or margaret_gorman@americanchemistry.com.

Thank you.

Sincerely,



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