



June 29, 2023

Attn: Northeast Waste Management Officials Association

Re: PFAS Prevention Model Act Draft for Public Comment

To whom it may concern:

The undersigned organizations appreciate the opportunity to comment on the Draft Northeast Waste Management Officials Association (NEWMOA) Model Legislation. Our respective organizations recognize and support the overarching goal of preventing PFAS releases into the environment. However, an overly burdensome reporting requirement and a ban on all PFAS-containing products is deeply misguided and can ultimately harm consumers and businesses while straining agency resources in states that might enact such a policy. As proposed, the draft legislation could also have significant implications for other New England states and NEWMOA priorities, including those related to the environment and sustainability. A more focused approach is needed for the proposed model legislation.

NEWMOA has stated that its overarching goal is the “virtual elimination of the environmental releases of PFAS into the environment” and as a result protect the environment and human health. If that is the case, the NEWMOA model legislation should focus on addressing only the types of PFAS that have been shown to present an environmental release/or human health risk based on available data. PFAS are a diverse class of chemicals that have different physical and chemical properties and a wide variety of product applications. Treating all PFAS the same is neither appropriate nor scientifically supported.

Unfortunately, the draft model legislation demonstrates a poor understanding of PFAS chemistry and more importantly of complex, multi-tiered global supply chains. As a result, it fails to recognize the significant strain that will most likely be put on both state agency resources and businesses because of the reporting requirement. Modern global supply chains include an array of manufacturers—from multinational corporations to small private firms—that provide chemicals, component parts and assembly operations that result in a final product. Requiring national and global supply chains to identify whether a product or component contains the broad class of PFAS chemistry is a complex and time-consuming undertaking which is not productive and is unachievable in the short two-year timeframe. That is especially true where, as is proposed in the draft model legislation, the definitions of “intentionally added PFAS” and “PFAS-added product” fail to exclude PFAS that may be present in a product unintentionally or solely on account of the ubiquity of PFAS in the environment. To date, the signatories are unaware of any legislative body that has enacted such expansive – and unworkable – definitions.

The reporting requirement and restriction timelines aren’t only a burden on businesses but also for state agencies. As we have seen in Maine, which is in the process of trying to implement a similar program, the reporting requirement alone has overwhelmed the state’s Department of Environmental Protection. They have been flooded with thousands of reporting extension requests, and, in fact, the legislature has approved amendments to the law that, among other things, extend the compliance dates apparently due to the original dates being unachievable.

Moreover, requiring businesses to phase out PFAS in their products in three years is even more unrealistic than the reporting requirement. Banning PFAS in all products could have far-reaching negative

consequences on nearly every sector of the economy including aerospace, autos, alternative energy, healthcare, building and construction, powersports, electronics, pharmaceuticals, and agriculture. Today's PFAS are essential to modern life and an important enabling technology. They 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.

For the reasons above, we oppose the draft model legislation in its current form and urge you to consider the points set forth in this letter in finalizing any proposed NEWMOA model legislation. Thank you for the opportunity to provide comments on this issue.

Sincerely,

American Chemistry Council
ACC Spray Foam Coalition
Adhesive and Sealant Council (ASC)
AGC Chemicals Americas, Inc
Alliance for Automotive Innovation
American Coatings Association
American Forest & Paper Association (AF&PA)
American Fuel & Petrochemical Manufacturers (AFPM)
American Petroleum Institute (API)
AMERIPEN
Animal Health Institute (AHI)
Associated Industries of Vermont
Association of Equipment Manufacturers (AEM)
Association of Home Appliance Manufacturers (AHAM)
BASF
Bio-Process Systems Alliance (BPSA)
Carlisle Spray Foam Insulation
The Chemours Company
Creative Polymer Solutions
Crop Life America
Communications Cable & Connectivity Association (CCCA)
Consumer Brands Association (CBA)
Consumer Healthcare Products Association (CHPA)
Consumer Technology Association (CTA)
Covestro LLC

Dupont
Flexible Packaging Association (FPA)
Fluid Sealing Association (FSA)
Food Packaging Institute (FPI)
General Coatings Manufacturing Corp
Gujarat Fluorochemicals
Household & Commercial Products Association (HCPA)
Holcim
Huntsman
Hydraulic Institute
ICP Group
IDI Distributors
INDA, Association of the Nonwoven Fabric Industry
ITI
Johns Manville
Juvenile Products Manufacturers Association (JMPA)
MEMA. The Vehicle Suppliers Association
Millipore Sigma
Motorcycle Industry Council (MIC)
National Association of Chemical Distributors (NACD)
National Council of Textile Organizations
National Electrical Manufacturers Association (NEMA)
National Marine Manufacturers Association (NMMA)
Natural Polymers, LLC
NCFI Polyurethanes
New York State Chemistry Council
North American Association of Food Equipment Manufacturers (NAFEM)
Outdoor Power Equipment Institute (OPEI)
Pine Chemicals Association International (PCA)
Plastics Industry Association
Polyisocyanurate Insulation Manufacturers Association (PIMA)
Printing United Alliance
Recreational Off-Highway Vehicle Association (ROHVA)
Responsible Industry for a Sound Environment (RISE)
Rhino Linings

Specialty Vehicle Institute of America (SVIA)

Solvay

SWD Urethane

The Toy Association

The Truck & Engine Manufacturers Association (EMA)

Valve Manufacturers Association (VMA)

Worldwide Cleaning Industry Association (ISSA)