



April 26, 2033

Senator Stacy Brenner, Chair
Representative Lori Gramlich, Chair
Joint Standing Committee on Environment and Natural Resources
100 State House Station
Augusta, ME 04333

Hand Delivered

Testimony of Karen Reardon, Vice President, Public Affairs, RISE (Responsible Industry for a Sound Environment) before the Committee on Environment and Natural Resources

Re: Legislative Document 1214, An Act to Clarify the Laws to Combat Perfluoroalkyl and Polyfluoroalkyl Substances Contamination

Senator Brenner, Representative Gramlich, and distinguished members of the Joint Standing Committee on Environment and Natural Resources,

Thank you for the opportunity to provide testimony on L.D. 1214, which would refine the laws governing perfluoroalkyl and polyfluoroalkyl substances in Maine. Today I am representing the trade associations RISE and CropLife America. We support this legislation and ask the committee for a "YES" vote.

As currently written, the state's products in PFAS law within the Department of Environmental Protection (DEP) cannot be implemented nor can entities defined as manufacturers comply due to: the overly broad "one carbon" definition, absence of secure registration and confidential business information protection processes, and appropriate time frames for manufacturers to comply given the complexity of global supply chains.

The Definition of PFAS is Overly Broad and Lacks a Scientific Basis. The "one carbon" definition of PFAS in existing Maine law makes it unworkable for DEP to implement and makes compliance unachievable by those required to register their products. The science around the issue of PFAS substances is still emerging. However, we do know that within this broad class of chemistry all substances are not alike and should not be treated as such – this is what the "one carbon" definition does. Refining the definition of PFAS to "two carbon" across Maine's state laws takes a good first step towards the scientific recognition that all PFAS substances are not alike. Without any discernment or context, a public facing database listing any substance meeting the "one carbon" definition will be meaningless to its intended audience – the consumer. Adopting the "two carbon" definition also brings the state's programs closer to alignment with federal-level scientific inquiry and regulatory prioritization goals.

Time is Needed. Refining existing law to provide more time for DEP, manufacturers, and product registration technology to be developed is essential to providing accurate information in a secure manner. Time is necessary for DEP to acquire the information technology infrastructure and to develop and adopt the formal processes necessary for designation, submission, evaluation, protection, appeal,

and later disposition of manufacturer's confidential business information and trade secrets. Further, time is needed for DEP to develop expertise beyond the state's Uniform Trade Secrets Act as the basis for such protections. Products such as pesticides have specific statutory protections for confidential business information in Maine law within the Board of Pesticides Control and in federal law under the Federal Insecticide, Fungicide, and Rodenticide Act.

We support this legislation to refine the scope of Maine's laws governing products containing PFAS substances. We ask the committee to support this necessary legislation along with harmonization of its provisions across all state laws governing PFAS products in Maine.

Thank you for the opportunity to provide our perspective on L.D. 1214.

RISE is the national not-for-profit trade association representing more than 220 producers and suppliers of specialty pesticide and fertilizer products to both the professional and consumer markets. RISE member companies manufacture more than 90 percent of domestically produced specialty pesticides used in the United States, including a wide range of products used on lawns, gardens, sport fields, golf courses, and to protect public health. Learn more at www.pestfacts.org.

Established in 1933, CropLife America (www.croplifeamerica.org) represents the developers, manufacturers, formulators, and distributors of plant science solutions for agriculture and pest management in the United States. CropLife America's member companies produce, sell, and distribute virtually all the crop protection and biotechnology products used by American farmers.