



June 12<sup>th</sup> 2024,

RE: Oppose RI S 2152 Substitute A – Comprehensive PFAS Ban Act of 2024

Honorable Alana Dimario, Chair and Members of the Senate Environment Committee,

We are writing to respectfully oppose S 2152 Substitute A related to comprehensive perfluoroalkyl and polyfluoroalkyl substances ban which would prohibit the use of PFAS in carpets, upholstered furniture, textile furnishings, apparel, cosmetics, juvenile products, cookware and firefighting foam. The bill would also give authority to the Department of Environmental Management to regulate its use.

**This legislation is overly broad, lacks scientific basis and will have significant unintended consequences and could eventually ban thousands of products from sale and transport of those products into Rhode Island.** It would be one of the broadest bans on products containing PFAS in the nation and would have far reaching negative consequences on nearly every sector of the economy including aerospace, autos, alternative energy, healthcare, building and construction, electronics, pharmaceuticals, and agriculture.

PFAS are essential to important technology and other products. PFAS are a diverse universe of chemistries that enable a range of products in many sectors, and they provide products with strength, durability, stability, and resilience. These properties have been critical to the reliability and safe function of a broad range of products that are important for industry and consumers. They play a vital role in everything from designing automobiles with low emissions and improved safety, reliability, and fuel efficiency; manufacturing semiconductors, and high-performance electronics; alternative energy (solar, wind); healthcare; building and construction; chemicals and pharmaceuticals; oil and gas; and outdoor apparel and equipment, among other industries.

As industries move to find alternatives to PFAS, it is important to recognize that finding alternatives that are both safe and effective, developing ways to incorporate those alternatives into products and manufacturing processes, and transitioning markets are steps that take time and intensive efforts. **Not all products and industries are the same and able to move at the same pace or have the same options.** Federal and state laws and regulations should recognize these facts and accommodate timelines and goals that are both achievable and consistent with safety, quality, and effectiveness that consumers need.

It is also important that state-specific product bans on items sold nationwide create an unworkable regulatory framework for manufacturers and retailers with inconsistent or contradictory requirements.

### **PFAS Legislation Reform**

It is important to note that only the states of Maine and Minnesota have passed comprehensive legislation to ban PFAS in certain consumer products and to require reporting of products with intentionally added PFAS. The Maine Legislature passed, and the Governor signed, legislation to reform the original PFAS product ban and reporting law due to its unworkable regulatory framework.

Maine encountered broad problems and concerns with the original law with over 500 companies and associations attending the first Maine Department of Environmental Protection (DEP) webinar. Maine DEP issued more than 2400 extensions to companies for reporting PFAS due to a variety of reasons including: complicated supply chains for manufacturers to determine if PFAS is included, lack of an operational database for manufacturers to submit product information, limited lab capacity to within the US to test products for PFAS, and no protections for confidential business information. After two years Maine made significant amount of changes to the bill.

Other states have passed much less aggressive legislation to regulate PFAS in consumer products, namely Vermont and Connecticut. CT Governor Lamont in his signing statement emphasized the need for further amendments to the legislation. Vermont significantly narrowed the scope of its legislation as well. Additionally, California Governor Newsom vetoed a bill in September of 2022 (AB 2247) similar to this proposed legislation. The veto message explained that CA AB 2247 may be premature since the US EPA was doing rulemaking to require

reporting of PFAS and that AB 2247 was estimated to “cost millions of dollars” and would result in higher taxes and fees to pay for oversight resources.

We strongly recommend you consider the concerns and recommendations of those industries directly impacted by this bill and adopt changes to S 2152 Substitute A to provide for reasonable, achievable, and consistent timelines, narrowed scope of consumer products, and other key elements. We encourage the Legislature to take this approach not only with this bill but also with any future legislation impacting other industries and products.

American Chemistry Council

ACC Spray Foam Coalition

Alliance for Chemical Distributors

American Apparel and Footwear Association (AAFA)

American Coatings Association

American Fuel and Petrochemical Manufacturers (AFPM)

Association of Equipment Manufacturers (AEM)

Association of Home Appliance Manufacturers (AHAM) Carlisle Spray Foam Insulation

The Chemours Company

Creative Polymer Solutions

Crop Life America

Communications Cable & Connectivity Association (CCCA)

Covestro

DuPont de Nemours, Inc.

Flexible Packaging Association

Fluid Sealing Association (FSA)

General Coatings Manufacturing Corp

Gujrat Fluorochemicals

Household & Commercial Products Association (HCPA)

Huntsman

Hydraulic Institute

ICP Group

IDI Distributors ITI

Johns Manville

Juvenile Products Manufacturers Association (JMPA)

MEMA, The Vehicle Suppliers Association

Motorcycle Industry Council (MIC)

National Council of Textile Organizations (NCTO)

National Electrical Manufacturers Association (NEMA)  
National Marine Manufacturers Association (NMMA)  
Natural Polymers, LLC  
NCFI Polyurethanes  
Outdoor Power Equipment Institute (OPEI)  
Personal Care Products Council  
Pine Chemicals Association International (PCA)  
Plastics Industry Association  
Printing United Alliance  
Recreational Off-Highway Vehicle Association (ROHVA)  
Responsible Industry for a Sound Environment (RISE)  
Rhino Linings  
Specialty Vehicle Institute of America (SVIA)  
Syensqo  
SWD Urethane  
The Toy Association  
Valve Manufacturers Association  
Window & Door Manufacturers Association (WDMA)