



**Solutions
for a Toxic-Free
Tomorrow**

Board of Directors

Ruth Hennig, MS, chair

Former Executive Director, John Merck Fund

Apollinaire Munyaneza, PhD, vice chair

President, Rwandan Community Association of Maine

Bruce Cort, EA, treasurer

Cort & Small LLC, Tax Preparation and Accounting

Susan B. Inches, MBA, secretary

Author, Teacher and Consultant, SBI Consulting

Rev. Richard Killmer

Former Director of Environmental Justice, National Council of Churches

Muhannad Malas, MPH

Director of Law Reform, Ecojustice

Kate Manahan, LCSW

Clinical Social Worker; Media Producer

Laurie Mazur

Editor, Island Press Urban Resilience Project

Lindi von Mutius

*Director, Sustainability and Global Development Practice
Graduate Programs, Harvard Extension School*

Directors Emeriti

Gail Carlson, PhD

*Assistant Professor, Environmental Studies; Director,
Buck Environment and Climate Change Lab, Colby College*

Lalla Carothers, EdM

Community Leader

Ken Geiser, PhD

*Professor Emeritus of Work Environment and former
Director of Lowell Center for Sustainable Production,
University of Massachusetts*

Sharon L. Rosen, PhD

*Former Health and Community Development
Philanthropic Leader*

Ryan Bouldin, PhD

Professor, Bentley University

Carla Dickstein, PhD

Former Senior Vice President, Coastal Enterprises, Inc.

Science Advisory Council

Richard Clapp, DSc MPH

*Professor Emeritus, Environmental Health, Boston
University School of Public Health Adjunct Professor,
University of MA – Lowell*

Eileen Sylvan Johnson, PhD, GISP

*Lecturer and Program Manager, Environmental Studies
Program, Bowdoin College*

Sydney Sewall, MD, MPH

*Instructor in Pediatrics, Maine-Dartmouth Family
Medicine Residency*

Emily Carey Perez de Alejo

President and CEO

January 16, 2025

Chair Lessard and Members of the Board of Environmental Protection. My name is Sarah Woodbury. I am the Vice President of Policy and Advocacy for Defend Our Health. Defend is a Maine-based non-profit that works to make sure everyone has equal access to safe food, safe drinking water, healthy homes, and toxic-free, climate-friendly products. We have been working on the issue of PFAS contamination since 2017. Thank you for the opportunity to provide comments on the draft rules for Chapter 90: Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances.

We will submit more in-depth written comments by the January 28th deadline but did want to take a moment to make a couple of comments on the draft rule. The PFAS Products law passed last session was the result of weeks of hard work and compromise between the Department, legislators, industry, and advocates like me. We appreciate the work that the Department has done to draft this language. Overall, we think this is a good rule and we would urge the board to avoid any attempts to weaken the reporting requirements that are laid out by the Department for industry to obtain a currently unavoidable use designation. We do, however, have concerns with some of the language in the draft.

Specific Comments on Draft Rule by Section

Definitions

1. The draft rule defines chemically formulated as “a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources”: This does not take into account where PFAS doesn’t chemically “change” the natural substance but is still added to the substance. For example, PFAS added to the surface of cotton fabric to make it stain resistant does not necessarily change the chemical composition of the cotton.

2. Under the definition for “Commercially available analytical method” the Department states that “Commercially available analytical methods do not need to be performed at a third-party laboratory”. We disagree with this. Industry should not be allowed to test their own materials. History has shown us that industry has not been trustworthy when it

comes to the health impacts of PFAS or the use of PFAS in certain products. They absolutely should be required to use a third-party to test to prove that the information is correct and valid.



3. Cosolvent is defined as “substances added to a primary solvent in small amounts to increase the solubility of a poorly soluble compound”. Cosolvents can be used in a wide range of concentrations so the “small amounts” should be removed from the definition. Also, the “poorly soluble” is unnecessarily restrictive. A more concise definition would simply be: “Cosolvent” means substances added to a primary solvent to increase the solubility of a compound.

4. For the definition of semiconductor, part of the definition states “intended to perform electronic and other related functions”. This definition is incredibly broad. Given that this will be an exemption from the law, this should be strengthened. The primary purpose of semiconductor devices is: “control the flow of electric current via amplification of signals, switching, or energy conversion”. The definition should specify the purpose to avoid an unnecessarily broad definition.

Currently Unavoidable Use

1. In the currently unavoidable use section A(3)(b) the draft states “The required specific characteristic or combination of characteristics that necessitate the use of PFAS chemicals.” They should have to provide clear information as to why this characteristic(s) is necessary for the products’ function in health, safety, or the functioning of society. Or said more clearly: Why the absence of this characteristic(s) will negatively affect the health, safety, functioning of society.

2. Under section A(4)(e) “A comparison of the known risks to human health and the environment between PFAS and the materials identified in Subsection a”. For this section and for some of the other assessments in this section – what is the criteria for completing such a comparison/assessment? There needs to be criteria laid out so that industry cannot just cherry pick studies that show I would want to avoid allowing industry to cherry pick studies that show what they want.

Once again, we will have much more detailed comments for the January 28th written comments deadline. This is just a few of the concerns we have but we wanted to be brief. Thank you for your service and attention to this issue.