



January 28, 2025

Submitted via email to rulecomments.dep@maine.gov

Melanie Loyzim
Kerri Malinowski Farris
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333

Re: **Comments of Valmet, Inc. and Valmet Flow Control Inc.
Proposed Chapter 90: Products Containing Perfluoroalkyl and
Polyfluoroalkyl Substances; to establish criteria for currently
unavoidable uses of intentionally added PFAS**

Dear Commissioner Loyzim and Ms. Farris:

On behalf of Valmet, Inc. and Valmet Flow Control Inc. (collectively, "Valmet" or the "Company") we appreciate the opportunity to comment on the possible Chapter 90 Draft Rule, Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances: to establish criteria for currently unavoidable uses of intentionally added PFAS. Valmet is aware that effective January 1, 2032, any product containing intentionally added PFAS may not be sold in Maine unless the use of PFAS in the product is specifically designated as a Currently Unavoidable Use (CUU) by the Maine Department of Environmental Protection.

Valmet is a leading global developer and supplier of process technologies, automation and services for the pulp, paper, tissue, energy, and other process industries. A number of Valmet's technology use fluoropolymer containing components, which are critical for a wide range of industrial applications. Therefore, Valmet sees the need for balanced and pragmatic approaches to managing PFAS, without compromising critical functions of industry and society continue or adversely impacting businesses, communities, and public health.

To determine the currently unavoidable uses, Valmet submitted a preliminary list of its current products and spare parts that contain intentionally added PFAS and comments on considerations for the proposed rules relating to exemptions to the state of Maine on March 1, 2024. In addition, Valmet submitted its informal comments on the Concept Draft Language for the PFAS in Products Rule to implement Title 38, section 1614 on August 30, 2024. Valmet now supplements these earlier submittals by providing the information below in response to the latest request for public comments.

GENERAL STATEMENT OF POSITION

Valmet maintains that the Maine Department of Environmental Protection should grant Currently Unavoidable Use (CUU) status to fluoropolymers in industrial use, thereby exempting them from the ban.

Fluoropolymers are a group of polymers that fall within the definition of per- and polyfluoroalkyl substances (PFAS). Fluoropolymers exhibit low reactivity, low water solubility, and a high average molecular weight. Fluoropolymers also have a high molecular weight (over 100,000

Da), and therefore cannot cross the cell membrane, and thus are not bioavailable or bioaccumulate. Due to these characteristics, fluoropolymers have low human and environmental toxicity concerns.¹

With the benefit of its strong industrial background, Valmet respectfully submits that fluoropolymers serve an indispensable role in modern industry. Such chemicals are widely used by numerous businesses. Among other things, they serve to ensure industrial health and safety and resource-efficient operations in harsh industrial environments.

Viable one-to-one alternatives for the vast majority of fluoropolymers do not yet exist. Therefore, sweeping prohibitions on the distribution and use of such products, as contemplated by the Maine Assembly and DEP, will have a disruptive effect not just on critical industrial operations but also on the availability of everyday commodities such as tissue, paper, and paperboard. Such disruptions are also likely to frustrate efforts to meet sustainability goals, as fluoropolymers are an integral part of many technologies used to achieve carbon dioxide-free goals and in the production and storage of hydrogen.

Given these realities, Valmet strongly believes that fluoropolymer-containing products in industrial use should be categorized as “currently unavoidable uses” of PFAS and, therefore, exempted from future prohibitions on intrastate sale or distribution.

Specific comments to the Maine Chapter 90: Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances, criteria for currently unavoidable uses of intentionally added PFAS in products.

- With respect to Section 3(A)(1)(e)(iii), Valmet supports the Department’s proposed approach of a range-based approach to PFAS reporting. Such an approach is expedient, especially where standardized characterization methods are not provided. It will reduce the burden to industry.
- With respect to Section 9(A) (generally), the specified timeframe for gathering all the information necessary for a CUU application is too short. The application deadline is between January 2029 to June 2030. This leaves only 4 to 5.5 years to identify, test, validate and certify the alternatives and solutions. Considering also the broad variety of products across the multiple industries Valmet serves, this timeframe is in no way sufficient relative to the amount of work required with expected material characterization, multiple testing, potential redesign of components and technologies, standardization and recertifying the machinery. The speed of the certification process is also determined by the capacity of the auditing bodies. Therefore, Valmet urges a longer transition period, 25 years at minimum.
- With respect to Section 9(A)(3) and (4) (generally), Valmet maintains that many aspects of the proposed rule will be challenging for manufacturers, as they depend on information provided by their suppliers. It is Valmet’s experience that suppliers often do not readily know the function of the PFAS in the materials that they supply with specificity. Nor do they know or provide whether viable alternatives exist. Insisting on the provision of all of this information will functionally negate the procedure of obtain a CUU Determination. CCU applicants should be permitted to present their case in a more general manner, relying on things such as literature searches and publicly

¹ Améduri, B., *Fluoropolymers as Unique and Irreplaceable Materials: Challenges and Future Trends in These Specific Per or Poly-Fluoroalkyl Substances*,

available information regarding the overall presence and role of PFAS in various categories of products.

- With respect to Section 9(A)(4)(a), Valmet notes that the “identification of specific compounds, classes of materials, or combinations of materials identified as potential alternatives including the removal of PFAS without substitution” is in many cases not currently feasible within the industries Valmet serves. Therefore, insistence upon this criterion will deprive the industry as a whole of CUU determinations for many products. The proposed rule should be revised to offer a pathway for companies, such as Valmet.
- With respect to Section 9(A)(4)(c) and (d), the tasks contemplated under these subsections are feasible only after those contemplated by subsections 4(a) and 4(b) have been completed. Therefore, Valmet urges a longer timeframe along the lines of our comment above pertinent to Section 9(A) (generally).
- With respect to Section 9(a)(4)(e), there is currently a dearth of standardized test methods available to evaluate the health and safety impacts of most of these substances on humans or the environment. Without more specific guidelines, it will be difficult for the authority to make decisions based on varying data. Therefore, Valmet recommends that standard test methods be specified in the final rule.

Thank you for the opportunity to comment and we look forward to further engagement on this important topic. Please contact the undersigned if you would like more information from us.

Respectfully,



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