

From: [Maine State Chamber's Advocacy Team](#)
Subject: Advocacy Alert | Maine businesses urged to sign onto PFAS reporting requirement extension
Date: Monday, November 28, 2022 12:27:03 PM

EXTERNAL MESSAGE:

From the Maine State Chamber's Advocacy Team | Monday, November 28, 2022

Maine businesses urged to sign onto PFAS reporting requirement extension letter

Dear Member of the Maine Business Community:

As some of you are aware, the Chamber has been helping companies navigate a DEP Regulatory Proceeding regarding PFAS. The Chamber has been encouraging companies to file for an extension before this law goes into effect on January 1. As January 1 is fast approaching, the Chamber is making one final push to make sure companies impacted by this law have the extension granted in time. For that, we are encouraging folks to either sign onto our extension letter or reach out to the Department asking for an extension if you wish to do it separately from our letter within the next 2 weeks. If you have already signed our letter or requested an extension from the Department, you do not need to do anything additional.

As an important point of clarification, this is not a deadline set forward by the Department and we do not speak on behalf of the Department. The Department has not established a deadline for extensions. This is simply a recommendation from the Chamber that, to make sure if you need an extension for this law by January 1, it makes the most sense to do it within the next couple of weeks to ensure a decision and a response are given to you in time.

For more information, please read our first advocacy alert below:

Maine enacted a law in July of 2021 which will ban PFAS in products for sale in Maine by 2030. Additionally, the law will require companies to test and report products for PFAS beginning in January 2023. This is a significant policy that has many major concerns for the business community in Maine. The Chamber has been active over the summer as the reporting requirement of the law has started the regulatory proceedings.

The impact of the reporting deadline is massive. It will affect millions of products and thousands of companies who are based in Maine, do business in Maine, or sell products in the Maine marketplace. The Chamber has been leading an effort to get the Maine Department of Environmental Protection (Maine DEP) to extend this law from going into effect by 12 months. While the law went into effect in July of 2021, Maine DEP has not begun the rulemaking required under the law for members of the regulated community to comply. The delay in rulemaking makes it impossible for those in the regulated community to comply, since they don't know what will be required. The difficulty of obtaining the information requested from the global supply chain, in an already stressed marketplace, makes it more difficult for companies to meet the fast-approaching reporting deadline.

Making matters more complicated, the administrative process and notification that will accompany the rulemaking have not occurred, neither for Maine-based companies nor those not based in Maine. This could lead to a scenario where companies acting in good faith do report to the best of their ability, while other companies who are not aware of the requirements do not report. Those companies reporting, expected to be mostly Maine-based, may then be highlighted for their products that do indeed contain PFAS, putting them at a

disadvantage regardless of whether or not such products are an “unavoidable use.”

Furthermore, the companies acting in good faith and who are trying to prepare to comply are already experiencing difficulty with suppliers whose products are protected by intellectual property. Protected intellectual property information will not be provided by suppliers unless they are legally ensured that their intellectual property is protected. Not only does this need to be addressed in rulemaking that has not yet begun, but the State of Maine also needs to address this issue to ensure that proprietary information protected by intellectual property rights does not make it into the public domain, and therefore accessible to competitors across the globe.

There is some good news to report. Maine DEP recognizes the difficulties this law will have on the business community in Maine. And for that, the Department is willing to issue a 6-month extension from the date that the rule is effective. It is likely that the rulemaking at Maine DEP will not begin until next year, so this extension gives companies the time to follow the rulemaking process, and once a rule is adopted, still more time to understand what is expected.

One downside is that legally, the Department cannot issue a uniformed blanket extension. Instead, individual companies need to apply for an extension from Maine DEP. However, the Department has indicated to us that if the Chamber wants to submit one letter, signed by everyone wishing for an extension, they can accommodate that.

If you wish to sign onto the Maine State Chamber's extension letter, please [click this link](#) and fill out the information needed. Also, please forward this message to others you think will be interested in joining our efforts.

Thank you, and please reach out to me at blucas@mainechamber.org with any questions.

Sincerely,

Benjamin R. Lucas

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Maine State Chamber of Commerce

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