

June 29, 2022

Governor Janet Mills
1 State House Station
Augusta, Maine 04333

Commissioner Melanie Loyzim
Maine Department of Environmental Protection
State of Maine
17 State House Station
Augusta, Maine 04333

RE: Reporting deadline extension.

We the undersigned organizations who represent the regulated community doing business in Maine are writing to ask that you use your authority under 38 MRSA §1612 (3) to extend the reporting deadline scheduled to go into effect on January 1, 2023, for the reporting of a manufacturer of products for sale in the State of Maine containing intentionally added PFAS. The intent of the legislation that passed was to phase out and eventually ban PFAS in certain products for sale in the State of Maine by 2030. The impact of the reporting deadline contained within that bill will impact millions of products and thousands of companies who are based in Maine, do business in Maine, or sell products into the Maine marketplace. We ask for the extension for the following mitigating factors:

- The law went into effect in July of 2021, yet the Maine Department of Environmental Protection (DEP) has not even begun the rulemaking required under the law in order for members of the regulated community to comply. The delay in rulemaking makes it impossible for those in the regulated community to be in compliance, 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, to meet the fast-approaching reporting deadline makes it impossible for the regulated community to meet due to this delay.
- The impact of this reporting law impacts millions of products and thousands of companies doing business in Maine, yet the administrative process and notification that will accompany the rulemaking has 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, regardless of whether or not such products are an "unavoidable use."

- 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 for the global economy and competitors to have access to.

38 MRSA §1612 (3) was added to the law so that that if the DEP determined that more time was needed by manufacturers to comply with submission requirements, an extension could be granted. We have reached that point and for the above stated reasons, Maine's regulated community needs more time to properly report based on 38 MRSA §1612 and requests an extension of 12-months post promulgation of the final rule. That way, all companies would have the ability to report products that contain intentionally added PFAS.

Sincerely,

The Maine State Chamber of Commerce

Manufacturers Association of Maine

Maine Better Transportation Association

Mid-Maine Chamber of Commerce

Maine Farm Bureau

Alliance for Automotive Innovation

Advance Medical Technology Association

American Chemistry Council

American Apparel & Footwear Association

ScottsMiracle-Gro Company

