



June 21st 2023

RE: Oppose MA H 2197 – MA S 1356 Comprehensive Ban on PFAS

Dear Senate Chair Cyr, House Chair Decker, and Members of the Joint Committee on Public Health

We are writing to respectfully oppose H 2197/S 1356 related to the comprehensive perfluoroalkyl and polyfluoroalkyl substance ban. As written, the bill would establish a Remediation Trust Fund for PFAS contamination remediation, bans the use of PFAS in several consumer products, firefighting foam and PPE. The bill would also ban any intentionally added PFAS in food packaging, PFAS in child restraints, cookware, fabric treatment, personal care products, rugs, upholstered furniture and children's products as of 1/1/26. The bill also would ban PFAS in all products unless PFAS is exempted as an unavoidable use by DEP by 1/1/30.

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 Massachusetts. 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 is a broad family of chemistry, particularly as defined in this legislation; they are essential to modern life and serve as an important enabling technology. Not all PFAS are the same, and many PFAS have very different properties. These chemistries provide products with strength, durability, stability, and resilience. **These properties are critical to the reliable 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 lower emissions and improved safety, reliability and fuel-efficiency to manufacturing semiconductors, solar panels and high-performance electronics. Multiple other industries depend on high-performance PFAS including aerospace, alternative energy (solar, wind), healthcare, building and construction, electronics, chemicals and pharmaceuticals, oil and gas, and outdoor apparel and equipment, among other industries.

There has been a lot of work done to assess individual PFAS compounds and to look at appropriate sub-groupings within this broad universe. Grouping these substances together is also inconsistent with the views of key policy organizations including the National Academies of Science, Engineering, and Medicine (NASEM), the Environmental Council of the States (ECOS), and various states that have looked at this specifically.

The bill would foster an unworkable patchwork of state regulations with significant impact for Massachusetts residents, businesses, and public entities. The bill would create unworkable compliance structure for manufacturers and the Department of Environmental Protection (DEP) as related to the required certification confirming that products do not contain intentionally added PFAS.

This bill also would adversely impact critical uses of this technology that are important for our society's broader sustainability objectives, including support for alternative energy and greenhouse gas reduction efforts. For example, lithium-ion electric vehicle batteries contain innovative fluorotechnology and are a critical product to Massachusetts.

This legislation would have a significant impact on Massachusetts in terms of the availability of critical products that are approved and used elsewhere. It would also foster an unworkable patchwork of state regulation with significant implications for Massachusetts citizens, businesses and public entities, effectively isolating Massachusetts from the rest of the country.

We thank you for your consideration of our position.

American Chemistry Council

ACC Spray Foam Coalition

Adhesive and Sealant Council (ASC)

Alliance for Automotive Innovation

American Coatings Association

American Forest & Paper Association (AF&PA)

American Fuel & Petrochemical Manufacturers (AFPM)

American Petroleum Institute (API)

AGC Chemicals Americas, Inc

Animal Health Institute (AHI)

Association of Equipment Manufacturers (AEM)

Association of Home Appliance Manufacturers (AHAM)

BASF

Bio-Process Systems Alliance (BPSA)

Carlisle Spray Foam Insulation

The Chemours Company

Creative Polymer Solutions

Crop Life America

Communications Cable & Connectivity

Association (CCCA)

Consumer Brands Association (CBA)

Consumer Healthcare Products Association (CHPA)

Consumer Technology Association (CTA)

Covestro

Dupont

Flexible Packaging Association(FPA)
Fluid Sealing Association (FSA)
General Coatings Manufacturing Corp
Gujarat Fluorochemicals
Household & Commercial Products Association (HCPA)
Holcim
Huntsman
Hydraulic Institute
ICP Group
IDI Distributors
INDA- Association of the Nonwoven Fabric Industry
ITI
Johns Manville
Juvenile Products Manufacturers Association (JMPA)
Millipore Sigma
Motorcycle Industry Council (MIC)
National Association of Chemical
Distributors (NACD)
National Council of Textile Organizations
National Electrical Manufacturers Association (NEMA)
National Marine Manufacturers Association (NMMA)
Natural Polymers, LLC
NCFI Polyurethanes
North American Association of Food Equipment Manufacturers (NAFEM)
Outdoor Power Equipment Institute (OPEI)
Pine Chemicals Association International (PCA)
Plastics Industry Association
Polyisocyanurate Insulation Manufacturers Association (PIMA)
Printing United Alliance
Recreational Off-Highway Vehicle Association (ROHVA)

Responsible Industry for a Sound Environment (RISE)

Rhino Linings

SEMI

Specialty Vehicle Institute of America (SVIA)

Solvay

SWD Urethane

The Truck & Engine Manufacturers Association (EMA)

Valve Manufacturers Association (VMA)

Worldwide Cleaning Industry Association (ISSA)