



Department of Health and Human Services
 Maine Center for Disease Control and Prevention
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February 23, 2018

Commissioner Paul Mercer
 Maine Department of Environmental Protection
 17 State House Station
 Augusta, ME 04333

Dear Commissioner Mercer,

The Maine Department of Environmental Protection (DEP) in a November 7, 2017 letter requested concurrence on the designation of perfluorooctane sulfonic acid (PFOS) and its salts as a priority chemical from the Department of Health and Human Services, Maine Center for Disease Control and Prevention (Maine CDC). Maine's Toxic Chemicals in Children's Products law, 38 MRSA §1694 requires the designation of a priority chemical be made in concurrence with the Maine CDC. This letter and accompanying support document provide the DEP concurrence on the designation of PFOS and its salts as a priority chemical.

Priority chemical designation under 38 MRSA §1694 requires that the chemical is listed as a chemical of high concern. Per statute, designation of a chemical of high concern requires strong credible scientific evidence that 1) the chemical is a reproductive or developmental toxicant, endocrine disruptor or human carcinogen; and, 2) the chemical is found to be present in human tissues, the home environment or in a consumer product present in the home. "Credible scientific evidence" is defined by statute¹; however, "strong credible scientific evidence" is undefined by statute or rule. Maine CDC has previously interpreted strong credible scientific evidence as a top-tiered weight-of-evidence determination by an authoritative federal or international government agency, or the presence of multiple scientific studies published in peer-reviewed scientific literature with consistent findings.

In the initial chemical of high concern listing in 2012 and again in a 2015 review, PFOS and its salts met reproductive or developmental toxicant and endocrine disruptor toxicity criteria due to the presence of multiple scientific studies published in peer-reviewed scientific literature with consistent findings of reproductive and developmental toxicity and endocrine disruption². Exposure criteria for presence in human tissues and the home environment were also met with strong credible scientific evidence from national biomonitoring studies and multiple scientific studies published in peer-reviewed scientific literature².

¹ 38 MRSA §1691 8-A defines "Credible scientific evidence" as the results of a study, the experimental design and conduct of which have undergone independent scientific peer review, that are published in a peer-reviewed journal or publication of an authoritative federal or international governmental agency, including but not limited to the United States Department of Health and Human Services, National Toxicology Program, Food and Drug Administration and Centers for Disease Control and Prevention; the United States Environmental Protection Agency; the World Health Organization; and the European Union, European Chemicals Agency.

² Deriving Chemicals of High Concern Process Documentation 2012: [Maine CHC Process Documentation 2012](#)
 Chemicals of High Concern Triennial Update Appendix I 2015: [Maine Triennial Update CHC Inclusion Criteria](#)

At the time of the last chemical of high concern listing review in 2015, no authoritative federal or international government agency listed PFOS, nor its salts, with a top-tier weight-of-evidence determination for reproductive or developmental toxicity, endocrine disruption or human carcinogen. In 2017, the Japanese government updated the classification of PFOS in their Globally Harmonized System of Classification and Labelling of Chemicals (GHS) database from category 1B to a top-tier category 1A classification for reproductive toxicity. The Japanese GHS database is one of several federal and international databases used to identify chemicals of high concern based on reproductive or developmental toxicity, endocrine disruption or human carcinogenesis classification. In addition to the multiple peer-reviewed scientific studies previously identified by Maine CDC toxicologists, there is now an international authoritative governmental agency that lists PFOS with a top-tiered weight-of-evidence determination for reproductive toxicity.

Accordingly, Maine CDC concurs with the designation of PFOS and its salts as a priority chemical. The attached document provides more detail on the evidence supporting concurrence for listing PFOS and its salts as a priority chemical.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce Bates", written over a white background.

Bruce Bates, DO
Director
Maine Center for Disease Control and Prevention

cc: Andrew Smith, SM, ScD, State Toxicologist, Maine CDC

Attachments: Rationale for Concurrence by Maine Center for Disease Control and Prevention on the Designation of Perfluorooctane Sulfonic Acid (PFOS) and its Salts as a Priority Chemical