



January 28, 2025

Maine Board of Environmental Protection
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333

RE: Ch. 90 rulemaking Comments

Members of the Maine Board of Environmental Protection:

The American Apparel and Footwear Association (AAFA) and National Council of Textile Organizations (NCTO) write regarding the Ch. 90: Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances rulemaking. NCTO and AAFA are not-for-profit trade associations established to represent the entire spectrum of the United States textile sector, from base fibers to finished sewn products, as well as supplier sectors that have a stake in the prosperity and survival of the U.S. textile and apparel manufacturers. U.S. textile and apparel producers are extremely diverse, technically advanced, and highly capital-intensive manufacturers involved in a multi-stage production chain. Our industry is a key American economic driver, employing more than 500,000 workers nationwide. More information regarding our trade associations and the industry in general can be found on the [AAFA website](#) and the [NCTO website](#).

Respectfully, we request that the definition of “textile article” exclude personal protective equipment (PPE), i.e. products used to minimize exposure to occupational hazards that can cause serious injury or illness from contact with or exposure to workplace or professional hazards. Examples of PPE include various items such as medical gowns, surgical drapes, hazardous material suits, firefighting turnout gear, electric arc protection gear, outdoor gear designed for enhanced visibility and weather protective gear for outdoor activities. Under the proposed rule, “textile articles” are defined to describe goods “customarily and ordinarily used in households and businesses” and are subject to a January 1, 2026, ban unless they receive a “Currently Unavoidable Use” designation. Of course, PPE is not customarily and ordinarily used in households and businesses.

Excluding it from the definition of “textile articles” would provide clarity that the prohibition against the sale of PPE with an intentionally added PFAS would go into effect on January 1, 2032, unless it received a “Currently Unavoidable Use” designation. This would also provide sufficient time for identification and commercialization of feasible alternatives, versus the



January 1, 2026 ban in place for non-technical textile articles. Last summer, the California legislature considered a bill to ban the sale of firefighting gear with an intentionally added PFAS effective July 1, 2026 – later than the “textile articles” deadline under the Maine law – and the California Department of Forestry and Fire Protection (CAL FIRE) noted for the Senate Appropriations Committee that “there is not currently a PFAS-free product that could replace its structural turnout gear.”¹ The California legislature ultimately did not pass this bill.

If PPE is deemed a “textile article,” AAFA and NCTO respectfully request that it be subject to the same treatment as r “outdoor apparel for severe wet conditions.” These products are subject to January 1, 2029 disclosure requirements and a January 1, 2032 prohibition unless approved as a “Currently Unavoidable Use.” While PPE is not exclusively designed for outdoor sports experts, there are categories of it that are designed to “provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions to protect the health and safety of the user and are not marketed for general consumer use.” Additionally, there are categories of PPE that cannot currently achieve necessary protective characteristics, like electric arc protection gear, without certain PFAS chemistries.

Finally, AAFA and NCTO stress that the June 1, 2025 deadline for filing a “Currently Unavoidable Use” proposal is not enough time for producers to collect necessary information, draft and file requests to potentially allow for continued access to these important products that help keep many Mainers, including first responders, safe. Sales and distribution channels will not be able to process through existing products in this timeline, even in the select instances where alternatives are starting to come online. Without a longer timeline, these products may be disposed of.

If you have any questions, please contact Chelsea Murtha (cmurtha@aafaglobal.org) or Auggie Tantillo (atatillo@ncto.org). We appreciate your consideration of our views.

Sincerely,

American Apparel and Footwear Association
National Council of Textile Associations

¹ At 08/02/24 – Senate Appropriations Bill Analysis: [Bill Analysis - AB-2408 Firefighter personal protective equipment: perfluoroalkyl and polyfluoroalkyl substances.](#)