



# Alliance of Nurses for Healthy Environments

Bringing Science and Passion to the Environmental Health Movement

January 28 2025

## Comments on Chapter 90: Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances

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The Alliance of Nurses for Healthy Environments (ANHE) appreciates the opportunity to comment on the proposed rule Chapter 90 to establish criteria for currently unavoidable uses of intentionally added PFAS in products.<sup>1</sup> With nurse members in all 50 states, including Maine, ANHE is the only national nursing organization focused solely on the intersection of health and the environment. Nurses have been ranked the most trusted profession for 22 consecutive years<sup>2</sup> and are led by our professional obligations<sup>3</sup> which make addressing health, environment, and safety a professional focus of ours.

Nurses consistently see evidence of the health harms of toxic environmental exposures in our everyday work and are often the “eyes and ears” of the care teams in which we work. The ubiquitous nature of PFAS contamination underscores the need to curb all pathways of PFAS exposure and sources of pollution. The National Academies of Science, Engineering and Medicine has published in their guidance that there is sufficient evidence<sup>4</sup> that certain PFAS are associated with health outcomes including:

- decreased antibody responses (in adults and children),
- dyslipidemia (in adults and children),
- decreased infant and fetal growth, and
- increased risk of kidney cancer (in adults)

Because of Maine’s leadership on addressing PFAS issues, please find the following comments on the draft rule and suggested changes.

1) Under the definition of “cookware” the draft states “NOTE: The definition of cookware is limited to houseware. Cookware does not encompass items intended for use in and market exclusively for use in commercial, industrial, or institutional settings.” “Cookware product” is defined as a durable houseware product intended to be used to prepare, dispense or store food, foodstuffs or beverages, including, but not limited to, a pot, pan, skillet, grill, baking sheet, baking mold, tray, bowl and cooking utensil (LD 1537, Section A-10). **There is no exemption for industrial or commercial cookware and to do so goes against the legislative intent of the law.**

<sup>1</sup> Maine Department of Environmental Protection. *Chapter 90: Products containing Perfluoroalkyl and Polyfluoroalkyl substances*. <https://www.maine.gov/tools/whatsnew/index.php?topic=dep-rulemaking&id=13139124&v=govdel>

<sup>2</sup> American Nurses Association. (Jan 22 2024). America’s most trusted: Nurses continue to rank the highest. <https://www.nursingworld.org/news/news-releases/2024/americas-most-trusted-nurses-continue-to-rank-the-highest/>

<sup>3</sup> American Nurses Association. (2020). *Nursing: Scope and Standards of Practice (4th ed.)*. Standard 18: Environmental Health. ANA: Silver Spring, MD.

<sup>4</sup> National Academies of Sciences, Engineering, and Medicine (NASEM). (2022). *Guidance on PFAS Exposure, Testing, and Clinical Follow-Up*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/26156>.



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2) In the definition of semiconductor, part of the definition states “intended to perform electronic and other related functions” which is very broad. Because this will be an exemption from the law, this definition should be clarified and strengthened. **The semiconductor definition should specify the purpose to avoid an unnecessarily broad definition.**

3) The draft definition states that a PFAS alternative is “reasonably available” if “readily available in sufficient quantity and at a comparable cost to PFAS.” Cost should not be the focus of this definition and “comparable” costs do not seem easily measurable, given that the cost implications can vary dramatically from product to product. **Because of the health implications of PFAS exposure, it is important that cost not be considered with regards to “reasonably available.”** The definition also includes “intended to replace and perform as well as or better than PFAS in a specific application of PFAS in a product or product component.” This part of the definition regarding performance is irrelevant to the concept of “reasonably available” and should be removed.

4) In the currently unavoidable use (CUU) section A(3)(b) the draft states “The required specific characteristic or combination of characteristics that necessitate the use of PFAS chemicals.” **A justification for the need for PFAS for the function of the product alone should not be sufficient for a currently unavoidable use (CUU) exemption.** Additional information should be required as to why this characteristic(s) is necessary for the products’ function in health, safety, or the functioning of society. We recommend establishing clear criteria for making CUU decisions and that criteria align with international scientific work reflected in the EU guiding principles and criteria for the essential use concept.

5) Section A(4)(e) “A comparison of the known risks to human health and the environment between PFAS and the materials identified in Subsection a”. It makes no sense to require risk based criteria to get a currently unavoidable risk designation. When the law was passed, it was passed because there is agreement that the use of any PFAS is a problem and that use of PFAS should be stopped wherever possible. This is the essential use concept. **The law was not intended to set up a risk-based framework and setting up this process opens the law to allow for unnecessary CUU designations impacting public health. It also goes against the intent of the law that any use of PFAS must be necessary for the “health, safety, and functioning of society.”**

Thank you for the opportunity to provide input on this important draft rule.

Sincerely,

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