

FIRE EQUIPMENT MANUFACTURERS' ASSOCIATION



Saving Lives, Protecting Property.

January 28, 2025

Commissioner Melanie Loyzim
Maine Department of Environmental Protection
17 State House Station
32 Blossom Lane
Augusta, Maine 04333-0017

Submitted via email to: rulecomments.dep@maine.gov; PFASproducts@Maine.gov

Re: Chapter 90, Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances

Dear Commissioner Loyzim,

On behalf of the Fire Equipment Manufacturers' Association (FEMA) and its members, we appreciate the opportunity to provide comments regarding the Chapter 90 draft rule related to products containing Perfluoroalkyl and Polyfluoroalkyl substances. As the Department considers implementation of the upcoming product sales prohibitions, and criteria for currently unavoidable use exemptions, we wish to reiterate the critical importance of portable fire extinguishers and fire suppression systems in protecting the public health and safety in Maine.

Last year, FEMA and member company, Amerex Corporation, submitted proposals to the Department for currently unavoidable use determination relative to fire suppression products utilizing F-gas extinguishing agents. Within these proposals, we outline the health and safety risks associated with a sales prohibition of fire extinguishing products and lack of available alternatives that necessitate an exemption.

In summary, F-gas fire extinguishing agents, as listed in the FEMA CUU Petition dated February 28, 2024, and filed with the Maine DEP, are critical for protecting essential infrastructure from fire and explosion hazards, including:

- Commercial and military aviation
- Maritime industry
- National defense systems and military combat vehicles
- Public transit systems
- Telecommunication systems, electrical equipment, data centers, and storage installations
- Petrochemical facilities and energy pipelines
- Explosion hazards
- Power generation, storage, transmission, and control

It is crucial to note that these F-gas agents are NOT AFFF (Aqueous Film Forming Foam [Fluorinated]) firefighting foam agents which have generated persistence, bioaccumulation and toxicity (PBT) concerns.

F-gas extinguishing agents used in portable fire extinguishers and fire suppression systems pose minimal risk to human health as they are non-toxic when used as directed and readily evaporate into the air, thus are not bioaccumulating. These fire extinguishing agents have been declared acceptable for use by the US Environmental Protection Agency under the [EPA Significant New Alternatives Policy \(SNAP\) List for Fire Suppression and Explosion Protection](#), as well as by the Federal Aviation Administration, the Department of Defense, and the US Coast Guard.

Moreover, the European Union is proposing a critical use exemption from its PFAS regulation for F-gas fire-suppressing agents “where current alternatives damage the assets to be protected or pose a risk to human health,” noting that there is sufficiently strong evidence indicating the current unavailability of alternatives for some applications. (European Chemicals Agency (ECHA): [Annex XV Restriction Report-Proposal for a Restriction](#), March 22, 2023, p. 126).

In addition to their safety role, portable fire extinguishers, including those using F-gas agents, have been shown to significantly reduce carbon emissions from building fires. A study by Jensen Hughes, [A Review of the Impact of Fire Extinguishers in Reducing the Carbon Footprint of Building Fires](#), found that using portable fire extinguishers can reduce fire-related carbon emissions by 93.6%, beyond the reduction achieved by automatic fire sprinklers. When used together, the reduction is nearly 99%. The early application of fire extinguishing agents is key to minimizing these emissions, underscoring the importance of these tools in environmental protection.

As the Department continues to refine the PFAS in Products Program, we encourage you to consider the essential role of portable fire extinguishers and fire suppression systems in Maine. We strongly urge you to include an exemption or currently unavoidable use determination for F-gas fire suppression agents listed in the EPA’s SNAP list for *Substitutes in Fire Suppression and Explosion Protection* within the new regulations. Thank you for your consideration of this important issue.

Respectfully submitted,

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About FEMA

Founded in 1930, FEMA is a trade association whose members employ thousands of American workers, dedicated to manufacturing commercial fire protection equipment to serve as the first line of defense against fire in its early stages. Members of FEMA formed the Government Relations Committee (GRC) in 2003 to address legislative and regulatory issues relating to portable fire extinguishers, pre-engineered systems, and other fire protection products. The Committee aims to educate officials and legislators about the importance of comprehensive fire

safety policies. By monitoring state fire code adoptions, as well as legislative and regulatory proposals at the state and federal levels, the GRC is able to engage in the conversation, providing both the industry's point of view and technical expertise in the debate on important public policy matters.