



# Maine Conservation Voters

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## MEMORANDUM

**TO:** Maine Board of Environmental Protection

**FROM:** Cathy Breen, Director of Government Affairs

**DATE:** January 28, 2025

**RE:** Comments on Draft Rule on [Public Law 2021, c. 477](#), (LD 1503, 130th Legislature)

Thank you for taking the time to read these comments regarding the draft rules related to Maine's recent PFAS legislation.

1. Under the definition for "Commercially available analytical method" the Department states that "Commercially available analytical methods do not need to be performed at a third-party laboratory." Unfortunately, the chemical industry has a poor track record of policing itself on whether or not their products cause harm. As a result, the state's interest in public health and safety requires a third-party laboratory in this section.
2. Regarding 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," this draft rule is not consistent with the intent of the legislation. The legislature understood that there are harms caused by these chemicals, and that's why it voted to eliminate them to the greatest extent possible in Maine. It did not enact a "risk-based" framework but rather an "essential use-based" framework. A "risk-based" framework opens the door to unnecessary and unintended CUU designations, and that is not what the law intended. The rules need to stick with the "essential use" framework.
3. Under the definition of "cookware," it should not exempt products used to prepare food outside of household settings. "Cookware" should apply to foods prepared in commercial and/or industrial settings. This is consistent with the intent of the legislation.