



# HOUSE OF REPRESENTATIVES

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## **Public Comment on Proposed Routine Technical Rule – Chapter 90: Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances**

Good morning, I am Lori Gramlich, Assistant House Majority Leader and State Representative serving the lovely seaside community of Old Orchard Beach. Thank you for the opportunity to comment on the proposed Chapter 90 rule regarding products containing PFAS.

During my time in the Legislature, I have worked to address the increasingly alarming concerns around PFAS contamination and the way these chemicals affect our lands and our health. I have personally sponsored several proposals to protect Mainers from the health risks posed by PFAS exposure, including LD 1503 in the 130<sup>th</sup> Legislature, which created the landmark law to phase out avoidable uses of intentionally added PFAS. As House Chair of the Environment and Natural Resources Committee during the 131<sup>st</sup> Legislature, I worked closely with my colleagues and stakeholders on LD 1537, which amended that critically important law to allow for greater success in its implementation.

I am deeply grateful for the Department staff, environmental and public health advocates, and industry stakeholders who have informed the work we are providing feedback on today. The draft rule is well done, and while I have feedback to draw your attention to today, I am pleased to support it overall and offer the following suggestions to further strengthen it before final adoption by the Department.

First, I ask that the Department increase the specificity of the definitions in the proposed rule. For example:

- “Commercially available analytical method” testing does not need to be done by a third-party lab. Industry shouldn’t be allowed to test their own materials. There is vague language about not altering third-party lab protocols. The definition should also be more specific. In theory, a lab could use any test methodology that they want for a third-party.
- “Chemically formulated” is defined as “a process that chemically changes a substance extracted from naturally occurring plant, animal, or mineral sources.” What about instances where it does not chemically “change” the natural substance, but it is still added to the substance?

- Cosolvent: It is not clear to me why “in small amounts” is in the definition. Cosolvents can be used in a wide range of concentrations.

Second, I believe additional language is needed in Section 9 to accomplish the following:

- Require manufacturers to clearly articulate the characteristics in question are necessary for the relevant product’s function in health, safety or the functioning of society; and,
- Provide specific criteria to guide industry when comparing the known risks of PFAS with any such risks posed by alternative materials.

Finally, I respectfully urge you to ensure that this draft rule is not weakened in any way before final adoption. Current law is the result of extensive work between the Legislature, executive branch and various advocacy groups to compromise. It allows a number of exemptions requested by industry and aligns our timeline with that of other states, providing uniformity. Where delays or exceptions may have been helpful or necessary, we have already made them. Now is the time to move forward.

I am so proud of the nation-leading work we have done here in Maine to not only recognize the threat that PFAS chemicals pose but to also take thoughtful, meaningful action. The bottom line is that we need to ensure these rules serve to further strengthen our protections against unnecessary PFAS contamination and exposure.

Thank you for your consideration.