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By E-mail

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Re: Second Concept Draft for the Maine PFAS in Products Program

Dear Ms. Malinowski:

On behalf of the Association of Home Appliance Manufacturers (AHAM), I would like to raise the following points concerning the Second Concept Draft for the Maine PFAS in Products Program.

AHAM represents manufacturers of major, portable and floor care home appliances, and suppliers to the industry. AHAM's membership includes over 150 companies throughout the world. In the U.S., AHAM members employ tens of thousands of people and produce more than 95% of the household appliances shipped for sale. The factory shipment value of these products is more than \$30 billion annually. The home appliance industry, through its products and innovation, is essential to U.S. consumer lifestyle, health, safety and convenience. Through its technology, employees and productivity, the industry contributes significantly to U.S. jobs and economic security. Home appliances also are a success story in terms of energy efficiency and environmental protection. New appliances often represent the most effective choice a consumer can make to reduce home energy use and costs.

AHAM's members produce hundreds of millions of products each year. They design and build products at the highest levels of quality and safety. As such, they have demonstrated their commitment to strong internal safety design, monitoring, and evaluation/failure analysis systems. AHAM supports the intent to protect consumers against all unreasonable risks, including those associated with the exposure to potentially harmful chemicals. AHAM also firmly supports the appropriate use of PFAS chemicals in appliances. Together with industry design practices, test requirements, and redundant safety mechanisms, PFAS chemicals play an important role in the safety of household appliances.

AHAM conducted a member survey in a good faith effort to determine the extent to which PFAS is used in home appliances and the estimated time needed to phase out of PFAS in those use cases. To the best of AHAM members' knowledge, as indicated appliances contain PFAS chemicals but

in low amounts. In some cases, PFAS are used for their self-lubricating properties and great resistance to high temperature but was also confined to internal components and parts, such as bolts and washers, plastic brackets, and wire terminals with no direct exposure to consumers during use. This material is added during the manufacturing process, which reduces the potential for any consumer exposure during use or transmission to the environment.

Appliance manufacturers employ a complex, global supply chain for thousands of models with hundreds of thousands of components, often involving multi-tiered suppliers located on multiple continents with thousands and thousands of components. This includes an array of manufacturers, from small private firms to multinational corporations, providing chemicals, component parts, and assemblies that come together in a final manufactured article. We do want to thank the Maine Department of Environmental Protection for recognizing this difficulty and granting many AHAM manufacturers 6-month extension after the effective date of the Department's finally adopted rule. However, in the development of the rule, we have several concerns in the second concept draft rule that need to be addressed before a final rule is adopted:

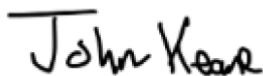
1. One significant issue is the new proposed requirement to report sales volume into Maine in the PFAS disclosure notifications. There are international standards of communicating chemical composition in the supply chain. Knowing what is sold in Maine would be extremely difficult for many manufacturers because many appliances are sold through national and even US-Canada retailers. We also question whether this confidential information would be truly protected. The requested information should be limited to the data fields, which are included in those standards of supply chain communication, such as IPC1754A or 62747 (for electronic products and similar standards for other product categories).
2. Under Section 3.A.(1)(c), it is unclear if manufacturers need to report the concentration of PFAS, total amount, or range of PFAS chemicals. There are over 10,000 PFAS chemical compounds and the draft proposal continues to lack de minimis concentration level on what concentrations are reportable. Even for manufacturers who distribute products in Europe and are subject to E.U. REACH & POPs regulations are having trouble identifying all the PFAS chemicals required to be disclosed in this law and whether trace amounts of PFAS are "intentionally added" or not. Thus, we ask for a clear de minimis concentration level and further clarity on "intentionally added" to determine the trace amounts, which are required to be disclosed.
3. We request to allow other internationally used product classification codes such as TARIC code (as used by EU SCIP database), as alternative to GPC brick code. Many companies use these other reporting codes and not GPC brick code. To ease reporting burden, companies should use an international product classification code but not be required to use one versus another. Without allowing currently used reporting systems, the burden becomes even more immense on companies.
4. Finally, we seek clarity on Section 6 for Fees, would every SKU registered in Maine count as one notification? For every manufacturer with thousands of SKU's that could amount to an enormous financial burden for manufacturers with no benefit for the implementation of this law.

Ultimately, the scope of DEP's PFAS reporting requirements is overly broad, burdensome on manufacturers, and will likely result in a flood of unnecessary information to DEP. Given the complexity of modern supply chains, appliance manufacturers reported that they must obtain supplier declarations regarding the content of components. Not only is it challenging to get such a document from the supplier of every component, but it often involves communications in several countries and languages.

Also under this law, effective 2030, products containing intentionally added PFAS may not be sold unless the use of PFAS in a product is specifically designated as a currently unavoidable use by the DEP through rulemaking<sup>1</sup>. The Department has expressed in public hearings that any exemptions would require legislative approval, but the legislative text clearly states that the legislature granted the Department the ability to declare products or product categories as currently unavoidable use. Without DEP providing this exception, this overly broad PFAS ban will have unintended consequences, including the possible prohibition of hydrofluoroolefins (HFOs) within the PFAS definition. HFOs are one of the more climate friendly alternatives for use as refrigerator insulation foam blowing agents. In fact, Maine enacted a law in 2021 (LD 226) banning the use of HFCs and HFOs are one of the alternatives that would be used to help achieve these climate change goals. Other states have also acted to ban HFC use and the U.S. Environmental Protection Agency (EPA) encouraged and effectively drove a transition to HFOs and other low global warming potential (GWP) foam blowing agents through ozone depletion and climate focused phaseouts of CFC's, HCFC's, and HFC compounds. These chemicals were approved under EPA's Significant New Alternatives Policy (SNAP) program, which included an environmental review. Prohibition or restriction of HFOs would require a total re-design of models at significant cost. We strongly encourage Maine DEP to issue a rule to narrow the definition of PFAS so that it does not include HFOs that contribute to slowing climate change and conflict with the law that DEP and the Governor proposed by the legislature regarding HFCs.

Thank you for considering our views and please contact me at [jkeane@aham.org](mailto:jkeane@aham.org) or 202-872-5955 if you would like to discuss in more detail.

Respectfully submitted,



John Keane  
Manager of Government Relations

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<sup>1</sup> Under §1612 (5)(C), “ Products in which the use of PFAS is a currently unavoidable use as determined by the department may be exempted by the department by rule.”