

November 10, 2022

Maine Department of Environmental Protection  
17 State House Station  
Augusta, Maine 04333-0017

To Whom it May Concern,

Thank you for the opportunity to comment on the State of Maine's H.P. 1113-L.D. 1503: An Act to Stop Perfluoroalkyl Substances Pollution regulations and the subsequent Second Concept Draft for the Maine PFAS in Products Program.

The American Home Furnishing Alliance (AHFA) and the Business and Institutional Furniture Manufacturers Association (BIFMA) worked together to address Maine's PFAS program. BIFMA supports over 150 small businesses as well as many mid-size and large businesses impacted by this regulation. The AHFA operates in 31 states, employing over 50,000 US workers in furniture production. Together, we are experiencing a proliferation of PFAS regulations at the state level, all slightly different, creating challenges for our members. In light of supply chain disruptions, economic concerns, and the complex network of growing regulations, we thank you for the opportunity to follow up with written comments.

BIFMA and its members have a rich history of integrating sustainability criteria into their product design, sourcing, and manufacturing. Our industry's program, BIFMA LEVEL, is based on an ANSI accredited standard called ANSI/BIFMA e3 Sustainability Furniture Standard. The program is a 1<sup>st</sup> Choice Private Sector Standards/Ecolabel as listed on the EPA's greener products website ([www.epa.gov/greenerproducts/furniture](http://www.epa.gov/greenerproducts/furniture)). The US EPA's Office of Chemical Safety and Pollution Prevention specifically lists LEVEL as a standard and ecolabel addressing PFAS ([link](#)). In short, we support healthy chemistry and understand the difficulties in working with supply chains to move forward.

Regarding the Maine PFAS in Products Program, BIFMA and AHFA have the following concerns with the proposed program. Note: written in order they appear in the second concept draft not by priority.

- **Notification**

- **Estimated Sales Volume** – Our members consider this confidential business information. Will the information be publicly available? If remaining confidential how will it remain secure.
- **PFAS Concentration** – BIFMA and several of its members contacted multiple labs finding very few with the capability of determining the concentration levels. Inquiries at the supplier level, sometimes several tiers down, provide limited if any information (typically yes or no) to protect their proprietary information.
- **CAS level reporting** – To date, we cannot find labs capable of meeting this need. In some cases, various PFAS chemicals are not yet assigned a CAS number. As

an industry, we reached out to labs only to learn that at best one or two labs are set up to test for PFAS without a CAS number. They can test total Fluorine but not as the PFAS compound. They could determine forensically the CAS# should one exist and a standard be created for it.

BIFMA and AHFA recommend total fluorine testing vs detailed testing as California outlined in their proposed legislation.

- **Range** – BIFMA considers the range a better solution than exact numbers considering the proprietary nature of chemical mixtures. We would like additional clarity on Maine’s approval process mentioned in the second concept draft.
- **Notification Time Frame** – Supply chain interactions to gather this level of detailed information can take six to twelve months considering the supply chain tiers. We recommend 180 days rather than 90 days from the effective date of this rule.
- **Data submittal tool** – We understand, per clause 3, Maine may enter into an agreement with another state. We support this consideration given the multitude of databases, pending regulations, etc., at the state and federal level. Experience with others state or local jurisdictions suggests several meetings are often needed to ensure data provided meets the intent of the regulation. In most cases the form, if rigid, needed to be modified given the complexities of furniture.
- **Duplicative reporting** – To ensure quality data we also seek to understand the multiple channels expected to report and ensure we remove, whenever possible, duplicative reporting (i.e. textile manufacturer, distributor/dealer, OEM, etc). Please clarify who is the company responsible to support in the following scenario: Manufacturer builds a product through a furniture dealer. Will the only person reporting be the furniture brand (manufacturer)? Not the textile company nor the dealer?
- **Report by Category Type** – BIFMA supports and appreciates the category approach given the diversity of product options and families within a category.
- **Fee Amount** – Please confirm that a product category (noted above) constitutes one notification therefore three product categories would be \$250 total.

Thank you for the opportunity to provide these comments. BIFMA and AHFA welcome the opportunity to discuss this further and provide additional information as needed. Please contact Steve Kooy, BIFMA Technical Director Health and Sustainability, at [skooy@bifma.org](mailto:skooy@bifma.org) or +1.616.443.5053, for further discussion, questions, etc.

On behalf of BIFMA and AHFA,



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