



November 10th, 2022

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

RE: Comments on the Second Concept Draft for the Maine PFAS in Products Program

To Whom It May Concern:

On behalf of John Crane Inc., we appreciate the opportunity to provide comments on the proposed *“Concept Draft for the Maine PFAS in Products Program.”* John Crane was founded more than 100 years ago in Chicago and has grown into a global leader in industrial seals - designing and engineering high-quality, sustainable, custom sealing solutions for pumps and compressors, across a variety of industries.

As you know, Fluorotechnology/Per- and Polyfluoroalkyl Substances (PFAS) are a large and diverse family of chemistry. Each individual chemistry has its own unique properties and uses. John Crane supports The Maine Departments of Environmental Protections (MDEP) in soliciting feedback to focus on science and risk-based regulations. John Crane requests clarification in several areas to ensure no adverse impact on Maine citizens, businesses, and the local economy.

Our customers in Maine, including but not limited to, The University of Maine, Bathe Iron Works, the US Navy, members of the lobster industry, and members of wood and pulp industry, rely on our industrial seals to keep their work progressing and our economy moving forward. Because this family of PFAS chemistry is broad and, in most products, today, we are requesting clarification to ensure a realistic reporting requirement that fulfills the true intent of the law while limiting unnecessary and irrelevant reporting.

As such, we have several recommendations for your consideration:

- We recommend that MDEP develop subclasses grounded in physical and chemical properties based on current science. In accordance with the United States Environmental Protection Agency’s (EPA), *Multi-Industry Per- and Polyfluoroalkyl Substances (PFAS) Study – 2021 Preliminary Report*, “Certain high-molecular weight fluoropolymers, including polytetrafluoroethylene (PTFE) and ethylene tetrafluoroethylene (ETFE), are chemically and thermally stable, insoluble in water, and less bioavailable. Based on current information, the molecules of these fluoropolymers are believed to be too large to cross cell membranes and are therefore believed to pose less risk to human and ecological health relative to nonpolymer PFAS.”¹ Hence, products manufactured with that subclass of fluoropolymers should not be subject to the same stringent reporting requirements of products that are manufactured with what the EPA would consider to be a higher risk to human and ecological health.

¹ https://www.epa.gov/system/files/documents/2021-09/multi-industry-pfas-study_preliminary-2021-report_508_2021.09.08.pdf



- We recommend that MDEP request the US 10-digit Harmonized System (HS) Code, known as the Schedule B number, in Section 3, Subsection A. The Global Product Classification (GPC) brick categories and codes currently requested do not apply to industrial products such as ours. As stated by the United States Department of Commerce on the Trade.gov website, “There is a Schedule B number for every physical product.”²
- Additionally, as the MDEP constructs the electronic submission portal in Section 3, Subsection B, we recommend the allowance of partial submissions within the portal. For example, the acceptance of text boxes devoid of text or the inclusion of a “Not Applicable” or “Not known” field if drop-down selections will be used. The electronic submission portal needs to account for the incredibly diverse list of products it is intended to track and the trade secret information of companies submitting the information. For example, due to proprietary information some Chemical Abstract Service (CAS) numbers cannot be provided.
- We would like clarity of Section 6, Subsection A. Will fees assumed per submission of notification be assessed on each product or each individual PFAS containing component within a single product?

We support regulation in the state of Maine that is based on the best available science and where the social benefits justify the stringent reporting burdens assumed by companies such as ours.

Thank you for soliciting our feedback. We appreciate and support the intent of this law. We look forward to continuing to work with MDEP to ensure our customers continue to provide the services they offer to the citizens of Maine. If you have any questions, please do not hesitate to contact me or Ryan O’Connor, Government Relations Manager at 202-230-0156 or at Ryan.OConnor@smiths.com.

Sincerely,

 10-11-2022

Tim McGraw

Vice President, Global Head of Health, Safety, and Environment

² <https://www.trade.gov/harmonized-system-hs-codes>