

November 10, 2022

Kerri Malinowski
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333

Dear Ms. Malinowski:

On behalf of the National Council of Textile Organizations (NCTO), I am writing to express continued concerns with the current rulemaking proposed by the Maine Department of Environmental Protection (DEP) regarding notification requirements and sales prohibitions for products containing “Intentionally Added” PFAS under Maine’s Act to Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution, 38 M.R.S. §1614”.

NCTO is a not-for-profit trade association established to represent the entire spectrum of the United States textile sector, from base fibers to finished sewn products, as well as supplier sectors that have a stake in the prosperity and survival of the U.S. textile industry. The U.S. textile sector is an extremely diverse, technically advanced, and highly capital-intensive industry that involves a multi-stage production chain. Our industry employs 534,000 workers nationwide and produced over \$65 billion in total U.S. output in 2021. More information regarding NCTO and the U.S. textile industry in general can be found on our website at www.ncto.org.

In July of this year, we submitted an extensive response to your request for public comment on this legislation. I am attaching that submission for your reference as it contains detailed reasoning for our positions on numerous outstanding issues. With that noted, these supplemental comments will focus on a few issues that were raised during your October 27th stakeholder session.

CAS Registry Numbers: We are pleased that the Maine DEP has indicated that reporting requirements will only be necessary for PFAS that have actually been assigned a CAS number. Doing so acknowledges that there are some PFAS that to date have never been assigned a CAS number. Basing reporting on the existence of a CAS number will eliminate confusion and frustration on the part of downstream customers seeking CAS listings where no such listing exists, and which suppliers of component textiles will be unable to provide. We recommend that the final rule clearly state reporting of substances is only required in cases where the PFAS used has been assigned a specific CAS listing. Also, please confirm that if a PFAS with a CAS number is present, but not intentionally added (contamination), reporting is not required.

Reporting Downstream: We are appreciative of the DEP decision to grant reporting extensions to our members who have requested an extension. We also agree with the idea of allowing the reporting of content to be linked from manufacturers to end product retailers. Since the reporting is to be linked from manufacturers down the supply chain, please confirm that if a manufacturer of a product component has a 6-month extension after the rulemaking is

final, that the distributor and retailer of a consumer product made with that product component will also have an extension (or otherwise have no obligation to report) until the manufacturers of all the components will report.

Defining Fabric Treatment: We appreciate that during both stakeholder calls concerning draft rulemakings the DEP was able to clarify that “Fabric Treatment” only applies to aftermarket consumer products (product purchased in a container from a hardware store, for example) and does NOT apply to industrial applications. We suggest the addition of wording to the final definition that clearly states that - **Fabric Treatment only applies to aftermarket consumer products.** Doing so will help to eliminate confusion among customers and new entrants to the market who may not have engaged in your current rulemaking process.

Ranges of PFAS Reporting: We would like to suggest PFAS reporting ranges as requested in the October 27th call. We think range blocks like the following would be helpful.

0-5%

5-10%

10-15%

15-20%

Greater than 20%

In closing, we continue to harbor serious concerns with the ability to begin a full-scale implementation of this bill in less than two months. We still believe that a reasonable delay in the implementation of this rulemaking is needed to allow adequate time to fully vet and comprehend the highly complicated rules required to initiate this new law. While each of our members will strive to be fully compliant with the final regulations you develop, massive confusion is pervasive throughout our domestic production chain just weeks shy of the January 1, 2023 start date for this new law.

Our membership plays an important role in the countless number of commercial transactions associated with textile products that take place in the state of Maine daily and the decisions you make hold the potential to directly and severely impact our U.S. manufacturing operations and workforce. In that we are committed to working with you toward the shared goal of safe, sustainable domestic manufacturing that provides extremely useful materials in a manner that protects human health and the environment, we appreciate your willingness to consider our views in this important and highly complicated matter. We thank you for considering the perspectives of all stakeholders, including U.S. textile producers.

Sincerely,



Kimberly Glas
President & CEO
National Council of Textile Organizations