

From: [Chris O'Brien](#)
To: [DEP Rule Comments](#)
Cc: [Etienne J. Guillory](#); [Jamie L. Johnson](#); [Martin Geesaman](#); [Kirk Riley](#)
Subject: Comment on Chapter 90: Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances
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To Whom It May Concern,

I am writing on behalf of ComNav Engineering, Inc., a manufacturer of custom electronic devices for commercial and government applications that fall within the exemptions outlined in Section 4(A)(12) of the Maine Department of Environmental Protection's draft Chapter 90 rule regarding products containing intentionally added PFAS.

We have identified an important area requiring clarification and potential amendment to ensure the rule's practical and equitable implementation.

Issue:

Section 4(A)(12) exempts "non-consumer electronics and non-consumer laboratory equipment not ordinarily used for personal, family or household purposes" from the sales prohibition on PFAS-containing products. However, the rule, as currently drafted, does not explicitly exempt **components containing intentionally added PFAS** that are incorporated into such exempt finished products.

This raises significant concerns for manufacturers like us, who rely on specialized PFAS-containing components from vendors to produce exempt products. Under the current language of Sections 5 and 7, these component vendors may be prohibited from selling PFAS-containing components after January 1, 2032, regardless of the exemption for the finished product.

Implications:

- This creates a regulatory gap and supply chain disruption, as manufacturers of exempt products could be unable to source essential PFAS-containing components legally.
- The exemption's intent to exclude certain finished products from sales prohibition may be undermined if the necessary components are restricted.
- It may place an unreasonable burden on manufacturers and vendors to seek a

“Currently Unavoidable Use” determination for components that are solely used in exempt products, which seems contrary to the rule’s intent.

Request:

We respectfully request that the Department:

1. **Clarify** whether the sale and distribution of PFAS-containing components exclusively intended for use in products exempt under Section 4(A)(12) are themselves not subject to the prohibitions in Sections 5 and 7; and
2. **Amend** the rule language, if necessary, to explicitly reflect this exemption - ensuring continued lawful access to essential components for the manufacture of exempt products.

Such clarification and amendment would support regulatory clarity, preserve critical supply chains, and uphold the legislative intent behind the exemptions for non-consumer electronics products.

Thank you for your consideration.

Thank you,
Chris O'Brien



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