ASSOCIATION OF HOME APPLIANCE MANUFACTURERS

1111 19th Street NW ➢ Suite 402 ➢ Washington, DC 20036
t 202.872.5955 f 202.872.9354 www.aham.org

July 18, 2022

By E-mail

Kerri Malinowski Farris
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

kerri.malinowski@maine.gov

Re: 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 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.

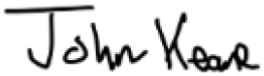
AHAM conducted a member survey in a good faith effort to determine the extent to which PFAS is used in home appliances and the estimated time needed to phase out of PFAS in those use cases. AHAM members indicated portable and major kitchen appliances contain PFAS chemicals but in low amounts. In some cases, the use of PFAS was confined to internal components and parts, such as bolts and washers, plastic brackets, and wire terminals with no direct exposure to consumers during use to take advantage of the self-lubricating properties and great resistance to high temperature. 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. Under the law, manufacturers of products containing intentionally added PFAS are required to notify the Maine DEP of such products and uses beginning January 1, 2023. The scope of DEP's PFAS reporting requirements is overly broad, burdensome on manufacturers, and will likely result in a flood of information to DEP. Given the complexity of modern supply chains, appliance manufacturers reported that they must get 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. Gathering detailed information on any given chemical, let alone a chemical class as broad as PFAS, is extremely difficult even for one given year. Thus, DEP should ensure a longer lead-in period for reporting.

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 Department of Environmental Protection. Without DEP providing an exception, this overly broad PFAS ban will have unintended consequences, including the possible inclusion 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, the U.S. Environmental Protection Agency (EPA) encouraged and effectively drove a transition to these 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. DEP should narrow the definition of PFAS so that it does not include HFOs that contribute to slowing climate change.

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

Respectfully submitted,



John Keane
Manager of Government Relations