Comments for Maine Concept Draft- Maine PFAS in Products

3. Notification A.2.c: The amount of each PFAS as a concentration.

As a downstream customer of textile weavers and finishers, Designtex may not be able to obtain CAS numbers, commit to providing CAS numbers when available, but otherwise can provide as much information as available that can be publicly disclosed. Typically, our vendors consider this to be CBI. We ask that we be able to notify using as much data as our suppliers will supply. At a minimum this would be the presence of PFAS, an indication that it is C6 and other chemistry, and a percentage in the product as reported on Health Product Declarations for that product or similar products. We suggest that treated fabrics containing less than 1% PFAS be allowed this minimum reporting method and used as the "Department approved range."

We also recommend that Maine should allow data other than commercially available analytical test data to validate/report the concentration of the PFAS. There should not be an expectation that downstream users should have to perform these types of tests

3. Notification A.1: Extension of notification deadline.

If no modifications are made to the notification requirements to waive CAS# and exact quantities determined using commercially available analytical methods, we would require a 1 year? extension and the option to report CAS# or the exact quantity determined for classes of products by analytical methods. We suggest that the conditions to be met for an extension be the uploading of the minimum reporting noted above (the presence of PFAS, using C6 chemistry, and the typical approximate percentage in the product.)

3. Notification A.1 Conditions to be met for an extension:

If a manufacturer can demonstrate they are working on removing PFAS from products to comply with a sooner ban in another state (Colorado 2024 for example) they would be able to get an extension (or waiver) for the reporting Maine is requiring for these same products (treated textiles). In small companies there is not sufficient bandwidth for both activities and the greater good is in eliminating PFAS.

We ask that extensions be provided to manufacturers who exhibit a clear path of transition to PFAS free and have clear labeling of products that contain PFAS in the interim. (Publicly available disclosure of PFAS in products)

Section 3 Notification, A. (2) (a)

Product pages on our website indicate "Contains PFAS" for all products with stain resistant finishes.

Section 3 Notification, A. (2) (c)

Designtex is a downstream supplier of products with PFAS. PFAS CAS# are ***not available**** to us and the concentrations are proprietary to the manufacturer. We provide HPDs for our products providing a range of PFAS in our products. These HPDs for our products are published and publicly available.

**** Not all polymers were required to have a CAS# at the time of registration with EPA. However, due to the confidential nature of these formulations, the CAS # was kept private with legal agreements between the producers and EPA and was not provided to finishers applying these PFAS finishes on materials.***

Section 3 Notification, C.

(1) Designtex upholstery materials fall within the same GPCB Segment. The group is broad and not specific for upholstery with PFAS. We ask for further clarity on this
Designtex textile Wallcoverings fall within the same GPCB Segment. The group is broad and not specific to wallcoverings with PFAS. We ask for further clarity.

(2) The same PFAS (C6 side chain polymer) is present in every product. We are unable to provide CAS# for the PFAS ((See Section 3 A (2) (c)). Need clarity if the "same PFAS" means something broad like "C6" or something more specific like exact CAS number

(3) We can only provide a range of the concentration of PFAS in our products as provided by the HPD. This range is based on information provided by the manufacturer. Some manufacturers test to an adopted method based on AATCC 189. There is no specific method for upholstery/ wallcovering materials for evaluating PFAS in products.