

Margerum, Mark T

From: KenCapron1 <kcapron1@maine.rr.com>
Sent: Monday, July 4, 2022 1:49 AM
To: Malinowski, Kerri
Subject: Re: Maine PFAS in Products Concept Draft

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Reviews and observations re: Concept Draft for the Maine PFAS in Products Program – Recommended Modifications

- I propose this policy be filed in a separate statute other than Title 38, Chapter 16: SALE OF CONSUMER PRODUCTS AFFECTING THE ENVIRONMENT.
The chemistries involved are more likely to be used for industrial, manufacturing and non-consumer purposes.
- The policy needs to include all PFAS-like chemicals that are or will be widely used in the environment. Examples include the preservatives used in utility poles, railroad ties, wharves and piers, wood products, roads (public and private), and similar widespread distributions.
- Tolerance levels should be near-zero in any products that have any negative impact on organic species and life forms; absolute zero on edible and absorbable products.
- The term “Intentionally” implies that if one doesn't know a substance contains PFAS, that's OK. Intentional or not, the liability is theirs to resolve any harm to living organisms.
- An original source of PFAS-like chemicals is directly liable to subsequent links in the supply chain UNLESS they can prove by clear and convincing evidence that the purchaser was fully informed and educated about the risks of said chemicals. The purchaser must identify to seller and government authorities the intended use of the PFAS-like chemicals
- The department shall have full authority to inspect and test all products used or deployed in Maine which may have or are suspected of containing PFAS-like chemicals.
- FEE: each user of the PFAS-like chemicals will reimburse the State of Maine for all actual testing and approval costs including administrative costs (not to exceed 10% of the amount reimbursed).
- Arbitration of decisions, actions and costs under these rules shall be through due process by the Board of Environmental Protection. Remediation costs are the responsibility of the end user(s).

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When was the last time you got excited about your commute?

From: Malinowski, Kerri

Sent: Friday, July 01, 2022 11:07 AM

Subject: Maine PFAS in Products Concept Draft

Attached is the concept draft rule for the Maine PFAS in products program discussed during yesterday's stakeholder meeting.

Please send your written comments to my email address (kerri.malinowski@maine.gov) by 5:00 p.m. July 18. Your email address has been added to our stakeholder distribution list for notification of any subsequent meetings.

Thank you for your participation.

-Kerri

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