Alliance for Telomer Chemistry Stewardship

February 22, 2022

To House Commerce, Finance and Policy Committee:

The Alliance for Telomer Chemistry Stewardship (ATCS), a group of the American Chemistry Council (ACC) is submitting this written testimony to you as members of this Committee to underscore the overreaching and unintended consequences that HF 2906, 2907 and 2952 create as written.

ATCS is a global organization that advocates on behalf of C6 fluorotelomer-based products. Our members are leading manufacturers of fluorotelomer based products in North America, Europe, and Japan. Our mission is to promote the responsible production, use, and management of fluorotelomer based products, while also advocating for a sound science- and risk-based approach to regulation. Fluorotelomer-based products are versatile chemistries with wetting and spreading features, as well as unique properties that repel water, oil and stains. These unique characteristics make fluorotelomers a critical component of first responder gear, medical garments, paints and coatings, upholstery, class B firefighting foam, among other uses that families and businesses across the world rely on.

As written in the measures, the definition of PFAS is overly broad and not focused on the applications of intent in the measures. This is a structural definition of which regulatory agencies, such as OECD, classify as not appropriate for regulatory enforcement. The broad definition of PFAS contained in the three bills will have widespread unintended consequences, and as written the definition includes hundreds, if not thousands, of DIFFERENT chemistries. This does not consider risk assessments, hazards, and solubility of these thousands of different chemistries either, as it contains different chemistry classes. The definition should focus on the specific chemistries of concern, using clear and concise language.

At the federal level, the Environmental Protection Agency (EPA) launched their PFAS Road Map, an interagency effort, at the end of 2021 focusing on the regulation and monitoring of the chemistry. This is in addition to their testing strategy and agency's PFAS Action Plan. Additionally, Minnesota has its own draft monitoring plan as well.

Finally, we would like to speak to the alternatives process that these measures imply. While there are alternatives for some applications, not all have an applicable alternative. And in some cases, not all alternatives have been thoroughly analyzed and reviewed by agencies. Washington state's Department of Ecology is going through this exact process in their Alternatives Assessment and could not find applicable alternatives in performance and safety in 6 of the 10 cases just within food packaging.

We look forward to the opportunity to provide much needed scientific input on these critical issues and chemistries within the three House Files.

Sincerely,

Shawn Swearingen
Director, Alliance for Telomer Chemistry Stewardship