



January 31st, 2023

Attn: Environment and Natural Resources Finance Policy Committee

Dear Chair Hansen and Members of the Environment and Natural Resources Finance and Policy Committee:

The Alliance for Telomer Chemistry Stewardship (ATCS) is a global organization that advocates on behalf of C6 fluorotelomer-based products. Our members are leading manufacturers of fluorotelomer based products. 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.

On behalf of the members of ATCS, we respectfully oppose HF 552 as written.

About per- and polyfluoroalkyl substances (PFAS)

PFAS are a diverse universe of chemistries with a wide range of critical uses. For instance, fluorotelomers (one type of PFAS) are used in food packaging applications, but are also currently being used in medical garments, hospital gowns, drapes and divider curtains to create a barrier that provides life-saving protection against infections and transmission of diseases like COVID-19 in hospitals. Another type of PFAS, fluoropolymers, are integral to COVID-19 testing equipment and the medical technology that is saving lives across the globe. For example, fluoropolymers are used as coatings for the tubing in COVID-19 test kits because of their unmatched durability, low friction, and extreme heat resistance. They are also used in surgically implantable medical devices, increasing the lifetime of implants and reducing the likelihood of infection and invasive surgery.

The chemical industry supports a comprehensive approach to managing per- and polyfluoroalkyl substances that helps to ensure protection of human health and the environment. This includes appropriate, science-based policies and regulations.

The bill should expressly exclude internal components that present no exposure risk.

Many juvenile products are complex products with hundreds or thousands of individual components that are required for proper functioning and safety, and many of those components would not come into contact with a child or toddler. We find the bill lacking clarity on this matter and suggest adding the following language to the exemptions in the definition of "juvenile product" (Section 2(ii)):

An internal component of a juvenile product that would not come into direct contact with a child's skin or mouth during reasonably foreseeable use and abuse of the product.

The bill should be clear that it is focused on intentionally added substances.

The bill should be clear that its focus is intentionally added PFAS and does not cover contamination from contaminated input materials or other sources that are beyond a product manufacturer's control. The concept of "intentionally added" PFAS should be included in the Prohibitions section, and the following language added to the definition section to bring important clarity:

"Intentionally Added" means PFAS deliberately added to a product or a product component where the continued presence of the substance or the intentional breakdown products of the added substance is intended to have a functional or technical effect in the final product.

For these reasons, we respectfully oppose HF 552 as written.

Thank you for your consideration and we look to work with the Committee and bill sponsors on this language.

Sincerely,

Shawn Swearingen
Director, Alliance for Telomer Chemistry Stewardship



January 30, 2023

Re: House File 552, Oppose

Dear Chair Hansen and Members of the Environment and Natural Resources Finance and Policy Committee:

The Performance Fluoropolymer Partnership (hereafter “Partnership”) welcomes the opportunity to provide written testimony on House File 552. The Partnership’s members are some of the world’s leading manufacturers, processors, and users of fluoropolymers, including fluoroelastomers.¹

1. PFAS should not be regulated as a single class of chemicals.

House File 552 treats all PFAS substances as a single regulatory group, an approach that is both inappropriate and unnecessary. PFAS is a large, diverse group of chemical compounds. All PFAS are not the same, and their properties vary widely. Chemical and structural differences among different types of PFAS result in vast differences in physical-chemical properties. Those properties are related to the commercial utility of certain types of fluoropolymers, but their striking chemical and physical differences should also be considered in any effort to understand and address potential health or environmental risks. Regulating chemical substances arbitrarily as a large class can lead to unjustified restrictions that are not based on sound science. Authorities should regulate chemicals based on clearly identified risks to health and/or the environment assessed on a robust scientific basis.

2. Fluoropolymers should be excluded based on their molecular size, stability and lack of reactivity.

Fluoropolymers are large, stable, polymeric molecules that are too large to cross biological membranes and therefore present little potential for human or environmental exposure. Fluoropolymers are insoluble substances and are therefore highly unlikely to move between environmental media as dissolved chemicals. They are not water soluble and, as a result, are not found in sources of drinking water. Fluoropolymers are neither bioavailable nor bioaccumulative, are not long-chain non-polymer PFAS (e.g. PFOA, PFOS), and do not transform into long-chain non-polymer PFAS in the environment.

Representative fluoropolymers representing the vast majority of fluoropolymers in global commerce have been demonstrated to meet the accepted criteria to be considered polymers of low concern to human health or the environment.^{2,3} The polymers of low concern criteria

¹ The Performance Fluoropolymer Partnership’s members are 3M, AGC, Inc., The Chemours Company LLC, Daikin America, Inc., ExxonMobil, Gujarat Fluorochemicals Limited, Honeywell, MilliporeSigma, Porex, Shamrock Technologies, Sherwin-Williams, and W.L. Gore.

² Henry, B. J., et al. A critical review of the application of polymer of low concern and regulatory criteria to fluoropolymers. *Integrated Environmental Assessment and Management*. Volume 14, number 3, pages 316-334. May 2018. [Open access](#).

³ Korzeniowski, S.H., Buck, R.C., Newkold, R.M., El kassmi, A., Leganis, E., Matsuoka, Y., Dinelli, B., Beauchet, S., Adamsky, F., Weilandt, K., Soni, V.K., Kapoor, D., Gunasekar, P., Malvasi, M., Brinati, G. and Musio, S. (2022), A critical review of the application of polymer of low concern regulatory criteria to fluoropolymers II: Fluoroplastics and fluoroelastomers. *Integrated Environmental Assessment and Management*. [Open access](#).

have been used by governments around the world to identify potential concerns for both human health and the environment^{4,5} and include consideration of the following material characteristics:

- Polymer composition (structure and elemental composition);
- Molecular weight;
- Molecular weight distribution (consistency of molecule size in a sample);
- Particle size
- Percent of oligomers weighing less than 1,000 Daltons;
- Electrical charge;
- Reactive functional groups;
- Presence of low molecular weight leachables;
- Resistance to physical, chemical, and biological transformation; and
- Thermal stability.

3. The bill should expressly exclude internal components that present no or negligible potential for exposure.

Many juvenile products are complex products with hundreds or thousands of individual components that are required for proper functioning and safety, and many of those components would not come into contact with a child or toddler via touch, mouthing, or other means. We find the bill lacking clarity on this matter and suggest adding the following language to the exemptions in the definition of “juvenile product” (Section 2(ii)):

An internal component of a juvenile product that would not come into direct contact with a child’s skin or mouth during reasonably foreseeable use and abuse of the product.

4. The bill should be clear that it is focused on intentionally added substances.

The bill should be clear that its focus is intentionally added PFAS and does not cover contamination from contaminated input materials or other sources that are beyond a product manufacturer’s control. The concept of “intentionally added” PFAS should be included in the Prohibitions section, and the following language added to the definition section to bring important clarity:

“Intentionally Added” means PFAS deliberately added to a product or a product component where the continued presence of the substance or the intentional breakdown products of the added substance is intended to have a functional or technical effect in the final product.

⁴ Organisation for Economic Co-operation and Development (OECD). 2009. Data analysis of the identification of correlations between polymer characteristics and potential for health or ecotoxicological concern. Document ENV/JM/MONO(2009)1. Paris, France. [Publicly available](#).

⁵ BIO by Deloitte. 2015. Technical assistance related to the review of REACH with regard to the registration requirements on polymers Final report prepared for the European Commission (DG ENV), in collaboration with PIEP. [Publicly available](#).

Thank you for the opportunity to provide this testimony. We would welcome the opportunity to discuss any questions. Please feel free to contact me at Jay_West@americanchemistry.com.