



American Watch Association • 40 West 51st Street #3873 • New York, NY 10020 • 845.587.2710

May 19, 2023

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

Via email
rulecomments.dep@maine.gov
Mark.T.Margerum@Maine.gov

Attention: Mark Margerum

Re: Comment on Chapter 90 Products Containing Perfluoroalkyl and Perfluoroalkyl Substances (“PFAS”)

Dear Mr. Margerum,

The American Watch Association (“AWA”) is a trade association representing many of the major watch brands and companies in the United States.

Although we generally support the aims and goals of the Proposed Rule regarding Products Containing Perfluoroalkyl and Perfluoroalkyl Substances (the “Proposed Rule”), we take this opportunity to submit our written comments regarding the Proposed Rule to supplement the oral testimony we provided at the public hearing held on April 20, 2023 at the Augusta Civic Center.

The stated purpose of the proposed Rule is to provide the Department with information to understand the sources of PFAS in the environment. This is in accordance with Title 38: Waters and Navigation, Chapter 16: Sale of Consumer Products Affecting the Environment, Section 1614 Products containing PFAS (the “Statute”).

In the case of watches, a solution called an epilame is used to coat certain watch movement parts to prevent oil from spreading so that the lubricant can perform its job. The epilame is applied in small drops of a thickness between 3 to 5 nanometers. Once applied, the epilame dries and is not volatile. Effective epilame solutions contain PFAS and there are no technically or economically feasible alternatives. The movements are assembled in Switzerland, Japan, and other countries. We have no information that any movement assembly occurs in Maine.

The completed movements are sealed in a watch case where the watch is assembled in Switzerland, Japan, and other countries. We have no information that any watch assembly occurs in Maine.

Consumers are discouraged from opening the watch case as the movement could easily be damaged. In fact, it is quite difficult to open a watch case without a specialized tool, manual dexterity, and technical skill. Therefore, there is virtually no risk of PFAS exposure to consumer from a watch.

Watches are unlikely to enter the solid waste stream as they are generally high value items and designed to last for years. Therefore, there is very little risk that the minimal PFAS in the epilame used in a watch movement would enter the land or water environment.

Therefore, watches are not more than even a potentially de minimis source of PFAS in the environment and should be of an extremely low priority.

Some of the notification requirements in the Statute are problematic. In particular, 2. Notification A. (3). This would require including this information by the manufacturer (or the importer as the deemed manufacturer) of the product providing the notification, in this case watches:

“The amount of each PFAS, identified by its chemical abstracts service registry number, in the product, reported as an exact quantity determined using commercially available analytic methods or as falling within a range approved for reporting purposes by the department.”

The problem is that which PFAS may be used in an epilame solution is unknown and that information is held by epilame manufacturers abroad as a confidential trade secret. There is no CAS number available to the watch manufacturer, either because the PFAS used does not have a CAS number, or the CAS number is unknown to the watch manufacturer. There is no commercially available analytical method to determine exact quantity of the PFAS in the completed watch.

We respectfully request that the Department make the following rules and determinations:

1. Pursuant to Section 5. C. and Section 7. A. of the Statute, make a determination by rule that the use of PFAS in epilame coatings of watch movements in watches is a currently unavoidable use and thus exempt watches from the proposed Rule and from the prohibition of sale for failure to provide the notice.
2. Pursuant to Section 5. C., make a judgment that watches are unlikely to cause contamination of the State’s land or water resources.
3. Make a determination that, for purposes of determining who is the manufacturer under the Statute and proposed Rule, consider the maker of the epilame solution to be the party who controls the formulation of the epilame solution and its PFAS content to be the manufacturer as provided in the explanatory Note to item N. in the definitions of the proposed Rule.
4. Make a determination that if the Manufacturer of a Product (as defined in the Statute) does not know which PFAS is used in the manufacture of a Component and there is no commercially available analytical method to determine the exact quantity of the PFAS in the Product, the Notification requirements in the Statute are satisfied by including:
 - (a) A brief description of the Product;
 - (b) The purpose for which PFAS are used in the Product, including in any Product Components; and
 - (c) The name and address of the Manufacturer, and the name, address and phone number of a contact person for the Manufacturer

5. If an exemption is not granted, and/or the requested judgments and determinations are not made, provide an extension of 18 months to comply with the notification requirement.

We greatly appreciate the opportunity to submit the above comments.

Very truly yours,

A handwritten signature in blue ink that reads "D. B. Perlman". The signature is fluid and cursive, with a long horizontal stroke at the end.

David B. Perlman
Executive Director
American Watch Association