



**Jason Thomas**

Director Regulatory Affairs  
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Mark Margerum  
17 State House Station  
Augusta, ME 04333-0017  
Submission: *rulecomments.dep@maine.gov*

**RE: Carrier Comments on Chapter 90: Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances**

Dear Mr. Margerum,

Carrier Global Corporation (Carrier) provides fire safety, security, building automation, heating, ventilation, air conditioning, and refrigeration systems and services to promote integrated, high-performance buildings that are safer, smarter, and more sustainable. Carrier is the founder of the modern HVAC industry and operates across the globe. Our range of products includes unitary residential and commercial products, including ducted and ductless, transport refrigeration products, chillers, and HVAC building services.

Carrier, an active member of the Chemical User Coalition (CUC), provided input on their comments. In addition to the comments included in this submission, we support the points presented in CUC comments and incorporate them in our own by reference.

**Notification requirements should be phased in for multi-component products**

Carrier has significant concerns regarding the practicality of complying with the proposed new rule within the proposed notification deadlines. The manufacturing supply chain for our products is highly complex. Carrier's supply chain is often comprised of suppliers at multiple tiers, including global sourcing partners. Many PFAS chemicals have not been included on safety data sheets, and therefore, manufacturers of products currently do not have the information necessary to identify this family of chemicals in the products they produce. The determination of the PFAS in products is not a small undertaking and will take a significant amount of time

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to complete. Carrier recommends implementing phased notification requirements for multi-component products. We recommend requiring manufacturers and importers of products to Maine to identify only those PFAS that they intentionally added to the product. In other words, those substances & materials specified in the product's Bill of Material (BOM) due to a physical characteristic imparted by the intentional addition of PFAS. The PFAS name, CAS # and concentration would likely be more readily available, and this could be done by end of year 2025 assuming the online notification system is complete by end of year 2024. A second round to identify PFAS used in a product's purchased components could follow with a final deadline of end of year 2028. It will be difficult to gather the use of the chemicals in components, particularly for imported articles where the manufacturer is foreign based, has design control, and no legal obligation to provide the information. In addition, suppliers often assert confidential business information protections in connection with the content of their products. These additional complications will take time to address.

#### **An engineering BOM assessment should be allowed**

The proposed rule calls for reporting the amount of each PFAS present in products and product components using commercially available analytical methods unless the PFAS chemical falls within a department-approved range. Carrier is concerned there is insufficient lab capacity and lack of commercially available analytical test methods for all PFAS. Requiring conformation through testing with newly established standards will increase the difficulty and further delay data collection necessary for product reporting. This is further justification for requiring reporting of only PFAS included in the BOM as this can be done through engineering BOM review and would not require testing.

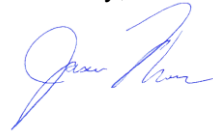
#### **Exemptions under Section 4 should be expanded to minimize impact to consumers**

In addition to excluding used products, Carrier recommends Maine exclude products that contain intentionally added PFAS for the purposes of meeting nationally recognized safety standards (e.g., UL, NFPA, NEMA, etc.) until such time as those standards organizations approve the use of products utilizing alternatives to PFAS. We also recommend excluding chemicals considered to be PFAS under the Maine statute that may have uses in products that are authorized pursuant to federal laws, regulations, or government specification. An example of such an exclusion would be refrigerants used in HVAC equipment, which are approved for uses in the Significant New Alternatives Policy (SNAP) program under provisions of the Clean Air Act

(CAA). Finally, Carrier recommends Maine exclude replacement components for the use of servicing and repairing installed equipment. Doing so would ensure consumers are not forced to replace an entire system when a simple repair would have been made otherwise. Carrier believes adding these additional exclusions for safety, federally approved uses, and repair will ensure customers are not harmed physically or financially.

Carrier is grateful for the opportunity to comment on the proposed rule and share concerns regarding the complexity and challenges that will result to Carrier and other similar manufacturers to achieve compliance. If you have questions regarding our suggestions, please reach out to me for further discussion.

Sincerely,



Jason Thomas  
Director, Regulatory Affairs  
Carrier