

VERBAL TESTIMONY OF BENJAMIN R. LUCAS
CHAPTER 90 – PFAS IN PRODUCTS RULE
APRIL 20, 2023
MAINE BOARD OF ENVIRONMENTAL PROTECTION

Good morning honorable members of the Maine Board of Environmental Protection.

My name is Ben Lucas, and I am a senior government relations specialist with the Maine State Chamber of Commerce. The Chamber appreciates the opportunity to provide verbal testimony before you today. I will be submitting written comments that will go into some of our more technical concerns with the draft rule – but I wanted to take the opportunity before you today to just share some general thoughts regarding Chapter 90.

First, since this law was enacted back in July of 2021, our offices at the Maine Chamber have been overwhelmed with requests from our network of more than 5,000 members across Maine trying to get a better understanding of how they are impacted by this law. Additionally, we have received 100's of calls and messages from companies across the entire county and the entire globe. I can say with great confidence that there are a lot of people paying close attention to what is happening in Maine and what is happening today.

Secondly, the current regulatory structure that this has been on has been very challenging for our members. The business community is always looking for a clear and predictable regulatory environment – and unfortunately this process has not provided that. When you have a law that went into effect on January 1 of 2023, but the rulemaking for the reporting requirement has not formally begun until now, April 20th – that is very challenging for the companies who look to rulemakings to give them guidance on how to comply with a law. That is no one's fault, and we certainly don't fault the Department for doing that – they have very little guidance to go off as this is truly a first in the nation type law. We appreciate the Department issuing extensions for over 2,400 companies – that is certainly unprecedented for rulemaking in Maine.

Thirdly, this rule and law will have a significant impact on every sector of Maine's economy and every type of business from our smallest to our largest employers. Maine is certainly doing a lot to address the PFAS problems – but we want to highlight to the board that what is before you today is very different than other efforts around PFAS. Not all PFAS can be treated the same and not all efforts around PFAS can be treated the same. What we are doing to eliminate PFAS from our drinking water is very different than what we are doing from eliminating PFAS from our agricultural lands, which is very different than trying to regulate and eliminate PFAS from every day and essential products – such as cars, cellphones, clothes, lifesaving medical equipment and medications. We need to be very careful about approaches we take and the negative impacts they could have on our economy and products that will be available in Maine.

The Chamber certainly supports efforts to address the PFAS crisis in our water and agricultural sector – but when you are requiring testing and reporting for potentially hundreds of thousands of products for potentially 15,000 PFAS compounds – that is something that is going to be much more challenging, complex, and costly for the business community.

My last point is to encourage the Board to take time to process this rule carefully. As you know, the Maine Legislature is currently in session. Both the business community and the environmental community have put forward legislation to make improvements to this law as written. So, there is shared agreement that changes needed to be made. We would hope that the Board would wait and see what the Legislature is going to do before advancing this rulemaking any further.

Thank you for the opportunity to testify today. I am happy to answer any questions.