



May 19, 2023

Mark Margerum
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333

Re: Chapter 90 Draft Rule – Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances

Maine Board of Environmental Protection (BEP):

The Window and Door Manufacturers Association (WDMA) is a national trade association representing the leading producers of commercial and residential doors, windows, and skylights for domestic and export markets. Our members sell to distributors, dealers, builders, remodelers, homeowners, architects, contractors, and other specifiers in the residential, commercial, and institutional construction markets. WDMA members manufacture high quality products designed and constructed to performance-based standards that provide improved safety, comfort, and energy efficiency, in both new construction and renovation of homes, residential buildings, and other commercial buildings.

We are writing in response to the Maine Department of Environmental Protection's (DEP) Chapter 90 draft rule for reporting consumer products containing intentionally added perfluoroalkyl and polyfluoroalkyl (PFAS) substances that must be registered prior to sale or distribution in the State of Maine beginning January 1, 2023.

As you know, Public Law c. 477, *An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution* was enacted by the Maine State Legislature in July 2021. This law requires manufacturers of products containing intentionally added PFAS to submit written notification to the Maine Department of Environmental Protection (DEP) that includes: a brief description of the product; the purpose for which PFAS are used in the product, including use in any product components; the amount of each of the PFAS, identified by its chemical abstracts service registry number, in the product; the name and address of the manufacturer, and the name, address and phone number of a contact person for the manufacturer.

Under 38 MRSA Section 1614 (3), the Maine DEP may extend the submission deadline for manufacturers if there is a determination that more time is needed by manufacturers to comply with the reporting requirements. Given that the Maine DEP has yet to establish an online notification system needed for compliance and that there is a significant lack of laboratory testing capacity available to manufacturers, WDMA urges the Department to exercise this authority and provide additional time needed for our members to comply with the law's requirements.

WDMA member companies manufacture products that contain thousands of various components that are essential for commercial and residential construction. There are numerous components that go into producing high-quality windows, doors, and skylights, including coatings and sealants that are integral for sealing out weather, protecting homes from harsh environmental conditions, and blocking dust, sound and



heat transmission. Our manufacturers are trying to comply with the law's reporting requirements but are encountering immense difficulty in obtaining information protected by intellectual property laws on such a limited timeframe.

Suppliers for our manufacturers are resistant to providing protected intellectual property information to the public domain for competitors to potentially access unless they have legal assurance that their intellectual property is protected. The immediacy of the PFAS reporting requirements will severely impact the ability of our members to conduct business in the State of Maine and will have grave consequences for the commercial and residential construction industries that rely on our products. This warrants additional time for compliance so that our companies have the ability to evaluate and report on products that contain intentionally added PFAS.

WDMA recognizes that there will be an obligation to report information on products containing PFAS; however, for the above stated reasons we are requesting that the Maine DEP delay the reporting deadline until at least January 1, 2025.

Thank you for your consideration of these comments. For any questions, please contact WDMA's Director of Government Affairs Jacob Carter at jcarter@wdma.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael P. O'Brien", written in a cursive style.

Michael P. O'Brien, CAE
President & CEO