

Rulemaking Fact Sheet

(5 MRS A §8057-A)

AGENCY: Department of Environmental Protection

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON:

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CHAPTER NUMBER AND RULE TITLE:

06-096 ch. 90 Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances

TYPE OF RULE (*check one*): Routine Technical Major Substantive

STATUTORY AUTHORITY: 38 M.R.S. §1614

DATE, TIME AND PLACE OF PUBLIC HEARING:

April 20, 2023, 9:00 A.M., at the Augusta Civic Center, 76 Community Drive, Augusta, Maine.

COMMENT DEADLINE:

May 19, 2023, 5:00 PM

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

The Department is proposing a new rule: Chapter 90: Products Containing Perfluoroalkyl and Polyfluoroalkyl Substances. The rule provides additional guidance on the notification requirements and sales prohibitions for products and product components containing intentionally added PFAS pursuant to 38 M.R.S. §1614.

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? ___ YES X NO [*see* §8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

The proposed rule provides additional guidance on the reporting requirements for manufacturers of products with intentionally added PFAS. The rule also provides additional guidance on the sale prohibitions regarding carpets and rugs, and fabric treatments, that contain intentionally added PFAS beginning on January 1, 2023. Effective January 1, 2030, any product containing intentionally added PFAS may not be sold in Maine unless the use of PFAS in the product is specifically designated as a currently unavoidable use by the Department through a future major substantive rulemaking.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

In developing the rule, the Department relied on its experience in implementing related programs.

During rule development, the Department held two public outreach sessions in June and October where concept drafts were discussed. These meetings were attended by several hundred interested parties and the Department received a significant number of substantive comments as a result. Based on those comments, the Department made numerous revisions throughout the draft resulting in the proposed rule.

ESTIMATED FISCAL IMPACT OF THE RULE: [see §8057-A(1)(C)]

No significant fiscal impact to municipalities is anticipated. The rule will have an economic impact on businesses who manufacture or sell in Maine products containing intentionally added PFAS, as described below.

FOR EXISTING RULES WITH FISCAL IMPACT OF \$1 MILLION OR MORE, ALSO INCLUDE:

ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS:
[see §8057-A(2)(A)]

The program will have broad economic impacts for businesses based both inside and outside the State of Maine. Total impact will differ greatly depending on the number of products subject to the notification requirement and total sales volumes for products subject to a sales prohibition.

INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [see §8057-A(2)(B)]

Any manufacturer or seller of products which contain intentionally added PFAS will be impacted; there are a significant number of businesses that will be subject to this rule, including those whose product may unknowingly contain intentionally added PFAS by way of product components.

BENEFITS OF THE RULE: [see §8057-A(2)(C)]

The rule will provide the Department with information to understand the sources of PFAS in the Maine environment while prohibiting the sales of products most likely to contribute to such contamination.

Note: If necessary, additional pages may be used.