

Maine Significantly Amends PFAS Reporting and Product Bans



An amendment to the ‘Laws Relating to the Prevention of Perfluoroalkyl and Polyfluoroalkyl Substances Pollution’ has been signed into law in Maine. This is the second amendment to this law and revises the reporting scope, as well as adding more product bans for intentionally added PFAS.

Changes to Reporting Responsibilities:

The major change to the reporting requirement scope is, as of Jan 1, 2032, reporting is only required for products with PFAS determined to be a currently unavoidable use (CUU).

In addition to this, a number of exemptions were added including manufacturers with 100 or less employees; used products and components; medical devices, drugs, and biologics covered under the US FDA; certain veterinary products; products for public health, environmental or water quality testing; products used in various forms of transportation; semi-conductors; non-consumer electronics and lab equipment; and equipment used in manufacturing of products.

For products that do need to be reported, the information to be reported stayed largely the same. However, a few changes to the reporting were made, as follows.

- 1) If the exact amount of PFAS is not known, the total weight of the product can be reported.
- 2) Related to the determination of currently unavoidable use, the identification of the applicable determination by the department rule would need to be reported.

More products added to list prohibiting intentionally added PFAS:

Several products have been added to the list prohibiting intentionally added PFAS. Below is a timeline of effective dates.

Effective Date	Products	Notes
Already in effect – Jan 1, 2023	<ul style="list-style-type: none"> • Carpets and Rugs 	Does not include: <ul style="list-style-type: none"> - Intended solely for outdoor use; - Intended solely for aircraft, vehicles, planes, etc.; - Resilient floor coverings; - Artificial turf; - Wall hangings or coverings; - Table mats; - Camping sleeping mats
	<ul style="list-style-type: none"> • Fabric Treatments 	
Jan 1, 2026	<ul style="list-style-type: none"> • Cleaning Products • Cookware • Cosmetic Products • Dental Floss • Juvenile Products • Menstruation Products • Textile Articles • Ski Wax • Upholstered Furniture 	See Amendments for definitions. Textile articles does not include: <ul style="list-style-type: none"> - Carpets and rugs; - Treatment for use on converted textiles and leathers; - Stadium shades or other architectural fabric structures; - Filtration media or filter products in industrial applications
Jan 1, 2029	<ul style="list-style-type: none"> • Artificial turf • Outdoor apparel for severe wet conditions (unless “Made with PFAS chemicals” present) 	

Effective Date	Products	Notes
Jan 1, 2032 (previously 2030)	Any product	Does not apply to any product deemed as currently unavoidable use by the department or rule or products below that are banned as of 2040.
Jan 1, 2040	<ul style="list-style-type: none"> • Cooling, heating, ventilation, and refrigeration equipment • Refrigerants, foams, and aerosol propellants approved by US EPA 	

Note: For all products listed above, packaging is subject to the ban.

Additional products and categories can be named or prioritized for prohibition with effective dates before 2032.

Enforcement - Testing and Certificate of Compliance

Throughout the Amendment, it is noted that retailers are not responsible for compliance with the requirements, unless they are selling a product after they have been notified that it cannot be sold. See definition of Manufacturer below to determine who needs to report.

If the commissioner has reason to believe a product has intentionally added PFAS, they may request information be provided by the manufacturer such as a certificate stating that no intentionally added PFAS is present with test results or other supporting evidence. This information must be provided within 30 days of the inquiry.

If a product is found to have PFAS, the test results and additional reporting information must be submitted to the commission. The manufacturer must inform the person selling or offering the products for sale that they are prohibited.

Definitions (For Reference with No Amendments)

"Manufacturer" - the person that creates or produces a product or whose brand name is affixed to the product. In the case of a product imported into the United States, manufacturer includes the importer or first domestic distributor of the product if the person that manufactured or assembled the product or whose brand name is affixed to the product does not have a presence in the United States.

"Currently unavoidable use" - a use of PFAS that the commissioner has determined by rule to be essential for health, safety, or the functioning of society and for which alternatives are not reasonably available.

"Intentionally added" - PFAS deliberately added during the manufacture of a product where the continued presence of PFAS is desired in the final product or one of the product's components to perform a specific function.

"Perfluoroalkyl and polyfluoroalkyl substances"(PFAS) - a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

Link to SP 610, LD 1537 (Public Law No. 630):

<https://legislature.maine.gov/backend/App/services/getDocument.aspx?documentId=107194>

How Does this Impact You? Contact Us to Discuss

If you have any questions, please contact your customer service representative or email:

info@us.bureauveritas.com

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