

March 14, 2023



The Honorable Virginia V. Lyons
The Honorable David Weeks
Senate Committee on Health and Welfare
115 State Street
Montpelier, VT 05633-5301

RE: S. 25, An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances

Dear Chair Lyons, Vice Chair Weeks and Distinguished Members of the Senate Committee on Health and Welfare:

On behalf of the Household and Commercial Products Association (HCPA), we submit the following comments regarding S. 25 which seeks to manage chemical substances in cosmetic and feminine care products.

As North America's premier household and commercial products trade association, we represent the interests of entities engaged in the manufacture, formulation, and distribution of trusted and familiar supplies that help our communities create a cleaner and healthier environment. Products that HCPA represents include, but are not limited to, disinfectants that are designed for use against germs and human pathogens in homes and institutional settings; pest management products in homes as well as for lawns and gardens; cleaning products; polishes; aerosol products; and a host of other products used every day.

PFAS Nomenclature

PFAS substances are a large, diverse group of chemical compounds, and it is important to distinguish between PFAS categories, use, function, and chemical properties as opposed to treating the substance as a single regulatory group.

A class approach to regulation is not scientifically accurate and can lead to unjustified product restrictions. For example, one of the sectors represented by HCPA is the aerosol market which has many important household and commercial applications. Aerosol propellants are highly regulated by state and federal governments, and producers have gone to great lengths in recent years to manufacture and innovate more environmentally preferable products, especially reducing global warming potential (GWP). Hydrofluoroolefin (HFO) technology has been recognized for its minimal global warming potential, low to non-flammability, zero ozone depletion, and quickly degrades in the environment. HFOs are compounds consisting of hydrogen, fluorine, and carbon. Some HFOs have fully fluorinated carbon, which would unfortunately result in these propellants being captured by the definition of PFAS as currently proposed in S. 25. **Aerosol propellants are not and have never been considered a PFAS substance. The use of such a broad definition could needlessly restrict access to products and technologies deemed safe and environmentally beneficial.**

It is critical to note that as per the US Environment Protection Agency's (EPA) TSCA definition of PFAS HFOs are not presently among the PFAS currently listed or targeted for any specific Agency action. HFOs have emerged as the next generation of compounds used in aerosols that are safe for humans and the environment. They do not meet the criteria of being classified as persistent, bioaccumulative and toxic substances ('PBT'). They are environmentally preferable, low Global Warming Potential (GWP) substances that are a key pathway to help decarbonize the U.S. economy, mitigate the effects of ground-level smog formation, avert climate change and phase down potent greenhouse gases to help the state meet its climate and environmental goals. It is a solution that achieves both environmental goals of volatile organic compounds (VOC) and GWP reduction. The EPA has deemed HFOs acceptable as they relate to human health and the environment, and it will be vital for aerosol manufacturers to have the HFO aerosol propellant available for compliance with upcoming new VOC limits nationwide. Unfortunately, S. 25 would remove these compounds from the cosmetics market.

We respectfully request that S. 25 be amended in the following manner:

Proposed Amendment (page 2, line 17)

"Administration-, or hydrofluoroolefin used as propellants in cosmetics."

Thank you in advance for your consideration of this request. Should you have any questions or would like to discuss the technical aspects of HFOs, we would be happy to schedule a follow-up discussion.

Sincerely,

Michelle L. Kopa

Michelle Lopez Kopa

Director, State Government Relations & Public Policy - Eastern Region