



March 11, 2020

TO: Members of the Vermont Senate Health and Welfare Committee

FluoroCouncil appreciates this opportunity to provide input on the Committee's consideration of S 295. FluoroCouncil is a global organization representing the world's leading manufacturers of products based on per- and polyfluoroalkyl substances (PFAS), including fluoropolymers and fluoroelastomers.<sup>1</sup> FluoroCouncil has a fundamental commitment to product stewardship and rigorous, science-based regulation, and, as part of its mission, addresses science and public policy issues related to PFAS.

As currently drafted, S 295 would prohibit all PFAS in food contact materials (FCMs) and rugs and carpets, and add all PFAS to the Vermont Chemicals of High Concern to Children list. This is an extremely broad bill, which circumvents established, robust regulatory processes without supporting scientific justification. Consequently, FluoroCouncil opposes S 295 in its current form.

Regulation or legislation should not group all PFAS together or take a one-size fits all regulatory approach. The term "PFAS" refers to a family of chemistry that includes a broad range of diverse substances with different physical, chemical, and toxicological properties and uses. Hence, the hazard and risk profile of various PFAS are very different. It is neither scientifically accurate nor appropriate to group all PFAS together or take a one-size-fits-all regulatory approach for this wide range of substances. This will deter innovation, undermine effective product design, and may even lead to the elimination of an entire chemistry that is an enabling technology for a broad array of vital products.

For instance, fluoropolymers, one type of PFAS, can be found in everyday items such as implantable medical devices, cell phones, and automobiles (including electric vehicles). Fluoropolymers are also used in certain repeat-use FCMs, such as tubing and hoses in soda and ice cream dispensers, and components of food processing equipment, such as gaskets, sealants, and filters.

It is also important to understand that those PFAS with commercial uses are not used interchangeably. Different PFAS impart different properties, and those in the marketplace have been designed for specific uses, making it important for public policy to be based on the potential risks associated with exposure to individual substances in particular uses. For example,

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<sup>1</sup> FluoroCouncil's member companies are AGC Inc., Daikin Industries, Ltd., and The Chemours Company LLC.

fluoropolymers are not used in paper food packaging applications or for carpet and rug water/oil/stain-resistance treatments.

Notably, fluoropolymers do not pose a significant risk to human health or the environment due to their stability and lack of bioavailability, among other properties. However, in its current form, S 295 would indiscriminately ban fluoropolymer use in FCMs and add them to the Chemicals of High Concern to Children list (which triggers certain reporting requirements). Additionally, because the definition of carpets and rugs is so broad, it is unclear whether fluoropolymers would be implicated by that portion of the bill.

As a result of the significant diversity within the family of PFAS, it is inappropriate to address PFAS as a broad class in S 295. FluoroCouncil thanks the Committee for taking these points into consideration and welcomes the opportunity to work with members as they consider legislation addressing PFAS.

Sincerely,

Jay West  
On behalf of FluoroCouncil