



February 24, 2025

House Committee on Environment
Representative Amy Sheldon, Chair
Vermont State House
115 State Street
Montpelier, VT 05620-3901

Re: Concerns with HB 238 “Intentionally Added” Definition

Dear Chair Sheldon and members of the House Committee on Environment,

The Center for Baby and Adult Hygiene Products (BAHP) represents manufacturers of absorbent hygiene products in North America such as menstrual products, disposable diapers, and companies that supply materials for those products. Our members represent over 85% of the market for absorbent hygiene products in North America. As the Agency considers next steps for the filing of this draft report and legislation, BAHP appreciates the opportunity to offer comments.

BAHP urges the Committee to maintain the original definitions of “intentionally added” in Act 131 and not adopt the overly broad and confusing definition in HB 238.

Specifically, the Act states *“intentionally added” means the addition of a chemical in a product that serves an intended function in the product component.* This definition provides a clear threshold for decision making for impacted manufacturers and is aligned with existing state laws in a half-dozen other states that regulate ingredients and PFAS in these categories. The newly proposed definition in HB 238 would set a confusing and contradictory standard for manufacturers to try to comply with, an unattainable timeline for those who have already begun to implement compliance strategies, and could be difficult for the Agency to implement and enforce.

Menstrual products, single-use diapers, and incontinency protection products were all impacted by the PFAS bans in the original SB 25, now Act 131, which was signed by the Governor on May 30, 2024. The restrictions and requirements on these product categories go into effect on January 1, 2026 and yet HB 238 proposes to make major changes to the law in ways that drastically impact producers ability to comply and throw into question the intent of

the original law.

Additionally, while we understand and appreciate the focus of states to work to reduce the use of added PFAS, the “intentionally added” definition in HB 238 should not be expanded to reference what a manufacturer “reasonably should have known...could contain PFAS” including PFAS/PFAS precursors added or used and any PFAS “present in the final product as a byproduct or impurity.” The law should remain focused on the presence of substances that are intentionally added by the manufacturer that serve a purpose in the final products, otherwise, manufacturers will face liability for trace presence of PFAS that they are unable to control, reduce, or eliminate due to the existing presence of PFAS materials in the environment, including in rainwater, dust, etc.

Lastly, uniformity of key provisions in laws governing product ingredients or labeling is vital to interstate commerce on essential consumer goods. Menstrual products, diapers and most other consumer products sold in the United States are distributed across the country and often Canada as well. It is essential that this issue and the key definitions be addressed in a clear and consistent manner with other states, and which can be implemented by companies working to comply with the letter of the law.

Thank you for your attention to our comments and we look forward to further engagement on this matter. Should you have any questions, please contact us at info@bahp.com.

Respectfully submitted,

Eric Stewart
Executive Director