



26 Thompson Drive
Essex Junction Vermont 05452

t 802 857 4600
f 802 857 4601

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Dear Chair Sheldon, Vice Chair Labor, and Members of the Committee,

It is our understanding that the House Environment Committee has recommended to broaden of the definition of “intentionally added” in its draft of PFAS Bill H.238 relative to the definition that was used in Act 131 of 2024.

This arbitrary broadening includes clauses that will be harmful to the cosmetic industry as a whole and, more specifically, could be catastrophic to our cosmetic contract manufacturing business here in Vermont. The proposal to include language in the definition of “intentionally added” such as, “(iii) PFAS are present in the final product as a byproduct or impurity” is problematic because, by nature, impurities and byproducts are not intentionally added. We implore you to reconsider this proposal in hopes that you would instead use the original definition of “intentionally added” found in Act 131 of 2024.

Over half of the cosmetic raw materials that we purchase are agriculturally derived like botanical extracts and plant oils. If PFAS are present in the water, air, or soil or a farming operation, the chemicals can be taken up by crops.¹ As a result, we could be unknowingly purchasing natural ingredients that contain PFAS as impurities or byproducts. In this circumstance, under the proposed legislation, we would be in violation of H.238 which could potentially subject us to 3rd party lawsuits that could damage or destroy our business.

Moreover, if the definition of “intentionally added” is expanded to include unintentional by products or impurities, and this definition is applied to the prohibited classes of chemicals in Act 131 of 2024, then our company and industry are potentially liable for myriad other legal claims.

Since 2021, Autumn Harp has committed to eliminating intentionally added PFAS to our products and we do not currently manufacture any products with added PFAS.

Any restrictions or prohibitions on the use of PFAS should focus on those deliberately used in the manufacture of a product or subpart, not on the mere presence of PFAS in the product. Additionally, any other definitions laid out in legislation, such as, “fluorinated containers” should be studied carefully by the legislature with an implementation date of at least January 1, 2030, to align with the European Union’s REACH restriction timeline.

We welcome the opportunity to host you at our facility for a tour and discussion to continue this important conversation and show you what is at stake for our 280 Vermont employees.

Thank you,

Ethan Alden-Danforth, PhD
Vice President, Research & Development

¹ <https://www.farmers.gov/protection-recovery/pfas>