



February 20, 2025

Representative Amy Sheldon, Chair
House Committee on Environment
115 State Street
Montpelier, VT 05633-5301

Re: Requested Amendments to H.238 “Intentionally Added” Definition

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

The Juvenile Products Manufacturers Association (JPMA) is writing to request amendments to H.238, that bans PFAS in juvenile products and several others, to address necessary consistency with other states. While JPMA members **are not intentionally-adding PFAS** to their products, H.238 would specifically prohibit the presence of PFAS chemicals in juvenile products, without a consistent definition of “intentionally-added” and provision for real-world production and use of a product.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provides protection to infants and assistance to their caregivers. JPMA collaborates with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products.

Our comments on this bill are grounded in the juvenile products industry’s commitment to the safety of children and caregivers. This commitment to safety goes down to the level of chemicals that are present in children’s products.

Safety Remains the Juvenile Products Industry’s Priority

In addition to meeting stringent internal product safety requirements, juvenile products sold in the U.S. must also comply with numerous federal and state safety and environmental requirements under a variety of laws and regulations including:

- [The Consumer Product Safety Improvement Act \(CPSIA\).](#)
- [The Federal Hazardous Substances Act \(FHSA\).](#)
- [The Toxic Substances Control Act \(TSCA\),](#) and
- [The Lautenberg Chemical Safety Act \(LCSA\)](#) signed into law in 2016.

Under this network of requirements, it is illegal to sell juvenile or children’s products containing various substances known to be harmful to children and to which children might be exposed.

JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION, INC.

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Necessary Amendments to H.238

As discussed above, it is critical that H.238 be consistent with other states and especially with California [Assembly Bill 652](#). While we understand the goals of this legislation, the following issues must be addressed, for companies to be able to effectively comply with this law and to ensure some consistency with other laws.

Intentionally-Added Definition: Multiple states have now passed bills addressing PFAS in consumer products, including juvenile products. California, Connecticut, Maine, Minnesota, Rhode Island and Colorado have laws on the books and. As more states, like Vermont, address this issue, we urge the Committee to align the definition of “intentionally added” with these existing state laws covering PFAS in consumer products.

JPMA members have strict processes to ensure that they do not intentionally add PFAS to their products; however, the vague expanded language above in the definition of intentionally added, as used in H.238 would encompass almost any product made using modern manufacturing equipment. This language is open-ended, the terms used are not defined, and as a result, the bill could be interpreted to encompass trace contamination from manufacturing components such as lubricants and gaskets, which are critical to the safe operation of manufacturing lines. It is essential that this issue be addressed in a clear and consistent manner with other states, and which can be implemented by companies working to comply with the ban and the letter of the law.

Suggested Language from Minnesota – CONSISTENT with other states:

"Intentionally added" means 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.

Additionally, per our discussion with the Committee on February 19, 2025, as we have very recently reviewed proposed changes to the definition of “intentionally-added” from the introduced draft of H.238. JPMA remains concerned with the language in the definition of “intentionally added” proposed by Matt Chapman, of the Agency of Natural Resources, that do not define the concept of “know or reasonably ascertainable”. This is a subjective concept and could vary by company size and ability to test their products or the purchasing power that they have over their component suppliers. JPMA is not aware of this language being used in any other state, and believes that it could lead to subjective enforcement and legal challenge should it be applied disproportionately to companies of different means and resources. JPMA believes it must be amended as follows, at a minimum, if this concept is to be retained:

(7) “Intentionally added” means the addition of a chemical in a product that serves an intended function in the product component. manufacturing of a product or the final product. The addition of PFAS must be known ~~or reasonably ascertainable~~ by the manufacturer.

Conclusion

Product safety is the top priority for JPMA and our members and we understand and support preventing exposure to dangerous chemicals. We appreciate the opportunity to discuss H.238 and express issues with the bill, as currently drafted, and offer needed amendments. Thank you for your consideration in this important matter and we would be happy to answer any questions or our suggestions for amendments.

Respectfully Submitted,

A handwritten signature in black ink that reads "Lisa R Trofe". The signature is written in a cursive style with a large, looped "L" and "T".

Lisa Trofe, CAE
Executive Director