



## **Testimony of VPIRG Executive Director Paul Burns and Environmental Advocate Anna Seuberling concerning the regulation of PFAS in products**

**February 5, 2025**

---

Chairwoman Sheldon and Members of the House Environment Committee, for the record my name is Paul Burns, and I am the executive director of the Vermont Public interest Research Group (VPIRG). With me today is my colleague, Anna Seuberling, who is an environmental advocate with VPIRG. VPIRG is Vermont's largest consumer and environmental advocacy organization with more than 20,000 members and supporters across the state.

We appreciate the work of the Agency of Natural Resources (ANR or Agency) in this matter and the Agency's collaboration with the Department of Health and the Attorney General's Office. We're grateful to be able to say that there is significant common ground between what the Agency is recommending in terms of next steps on PFAS, and what many of us who are advocates for public health and the environment would like to see.

Today we'll identify that common ground and make some specific recommendations in those areas where differences remain. Our hope and belief is that important legislation to better protect Vermonters and our environment from PFAS pollution can be passed with broad support this year.

### **Background (Paul)**

We begin with a reminder of why we're concerned about PFAS. PFAS are sometimes referred to as "forever chemicals" because they are incredibly persistent in our bodies and in the environment. They are often toxic and can bioaccumulate in living organisms. This is a huge family of chemicals that should reasonably be regulated through a precautionary approach.

According to the [National Institutes of Health](#):

“Epidemiological studies have revealed associations between exposure to specific PFAS and a variety of health effects, including altered immune and thyroid function, liver disease, lipid and insulin dysregulation, kidney disease, adverse reproductive and developmental outcomes, and cancer.”

### **What we’ve accomplished: (Anna)**

As you heard from Department of Environmental Conservation (DEC) Waste Program Director Matt Chapman last week, Vermont has been a leader in PFAS legislation and has already taken action to safeguard Vermonters from these toxic chemicals.

These following categories of products (mostly consumer products) have already been addressed through legislation passed in Vermont (Act 36 and most recently, Act 131):

- Firefighting foam
- Food packaging
- Rugs/carpets
- Ski wax
- Cosmetic products
- Menstrual products
- Artificial turf
- Incontinence products
- Juvenile products
- Cookware
- Textiles

### **Common Ground for Further Protections (Anna)**

VPIRG supports the Agency’s recommendation to ban intentionally added PFAS in dental floss, fluorinated containers, and cleaning products. A number of other states have already moved to regulate PFAS in these products as well.

- **Dental floss:** CO, CT, ME and MN
- **Fluorinated containers:** ME and MN (all products ban)
- **Cleaning products:** CO, CT, ME and MN

We note that upholstered furniture was in the Agency’s original report and not in their proposed language. Other states, including CA, CT, ME, and MN have moved forward to ban PFAS in upholstered furniture.

### **Effective dates for restrictions passed in other states:**

- [Colorado](#) (bill passed in 2024): Dental floss and cleaning products = Jan. 1, 2026
- [CT](#) (bill passed in 2024): dental floss, cleaning products and upholstered furniture = Jan. 1, 2028 (labelling starts in 2026)
- [Maine](#) (bill passed in 2023): Dental floss and cleaning products = 2026, including upholstered furniture – all products ban starting in 2032
- Minnesota: (bill passed in 2023) Dental floss and cleaning products = 2025, including upholstered furniture – all products ban starting in 2032
- Upholstered furniture: CA (2025), CT (2028), MN (2025), ME (2026)

### **Definition of “Intentionally Added” (Anna)**

We agree with the Agency’s proposal to change the definition of “Intentionally Added”. The proposed definition aligns with the legislative intent of the bill—if the goal of Act 131 is to make consumer products PFAS-free, this change is crucial. It ensures that PFAS added during the manufacturing process are properly accounted for and regulated.

It’s possible that coatings or lubricants used on manufacturing equipment or in factories can contain PFAS which transfers onto products.

Take artificial turf as an example. In 2023, the legislature banned intentionally added PFAS in artificial turf. However, during the manufacturing process, turf manufacturers use PFAS-laden lubricants, which can contaminate the final product. The original (current) definition of "intentionally added," allows the use of these lubricants, even though PFAS contamination is present in the final product.

### **The Proposed Broader Prohibition on PFAS-added Consumer Products (Paul)**

The Agency recommends a so-called trigger mechanism that could one day expand the scope of this program to include virtually all PFAS-added consumer products. To be clear, VPIRG agrees that we should move with intention toward the elimination of all unnecessary uses of PFAS.

At this moment, other states are moving forward to implement their own policies aimed at addressing the broad use of PFAS in consumer products. The witnesses who will immediately follow our testimony may have more detailed information about how those programs are progressing. Certainly, it makes sense for Vermont to pay close attention to what works and what doesn’t elsewhere.

And while we fully agree with the Agency that this is the right path to be on, we do have some differences on the finer points of how to get there. We have been engaged in some productive, good faith conversations with representatives of multiple state agencies on these topics and we appreciate that opportunity. We'd like those conversations to continue, with hopes that over time we can identify yet more common ground.

But since we're not there yet, and we do not appear to be on the verge of some combination of others states in the Northeast region with a population of 15 million or more passing the same policy – which would trigger action here – then we believe it's sensible to separate this potential expansion from the rest of the bill.

In other words, we encourage you to move forward with elements of the proposal for which there is broad support from the administration, public health, and environmental advocates.

This would mean passing a bill this year that bans PFAS in dental floss, fluorinated containers, and cleaning products. It would also mean improving the definition of “intentionally added” in order for the law to be more effective and protective of public health.

As you'll note in the slide that we provided showing the map of the Northeast with state populations included, it's not easy to meet the threshold that would trigger expansion of our program. New York alone could do it, of course. New Jersey and Massachusetts together would also meet the threshold. Beyond that, if neither New York nor New Jersey acted, it would require every state in New England. Maine has already enacted legislation.

The point is, we likely have some time. And we'd like to use that time to continue learning from other states and working on the plan here.

Importantly, we believe that it is primarily the potential for broad expansion of the prohibition on PFAS to apply to consumer products that has encouraged ANR to propose a possible change in definition for PFAS. We strongly disagree that any change in definition is necessary even with broader expansion. But it's certainly not necessary if you simply move forward with banning PFAS in dental floss, fluorinated containers, and cleaning products.

None of the states that have passed similar PFAS bans for those products have changed the definition of PFAS. The state can and should move forward with these PFAS-added product bans without needing to change the definition.

### **PFAS Definition (Paul)**

We're very pleased that the Committee will be hearing from NRDC scientists Katie Pelch and Anna Reade today. They have a far more in-depth scientific knowledge of the exact chemistries relevant to a change in PFAS definition. I'm sure they'd be happy to go further into detail as to why it's important to retain the more inclusive PFAS definition in current law (Act 131) but we'll outline a few important high-level reasons.

- The proposed change in definition would allow the continued use harmful classes of PFAS like HFOs and other F gases
- The proposed weakening of the definition could incentivize industry to move towards these other types of PFAS
  - [Honeywell is moving towards using HFOS](#) in personal care products
- If the current definition of PFAS is at some point capturing a product that is unintended, then policymakers such as yourselves can provide an exemption for that product or use without weakening the entire definition. It's better to use a scalpel in such circumstances than to create a very large loophole that could lead to unintended consequences.

#### **Exemption for Recycled Products (Paul)**

The Agency was also asked to recommend a path forward for PFAS in recycled products. While we appreciate the incentive for manufacturers to use recycled content, we don't believe that it would be best for human health to allow for a broad PFAS exemption like this. The proposed change in policy would exempt products containing PFAS that are made with at least 50 percent recycled content.

It's my understanding that this proposed exemption would also apply to products already regulated under existing Vermont law, which includes food packaging, for example. I am not aware of any other state that provides an exemption like this for recycled materials.

To be clear, VPIRG generally supports policies that cut down on unnecessary waste and encourage recycling. I suppose we've been more active in pursuit of policies like that than any other group in the state. But recycling must be done safely and the products derived from recycling must not get a pass when it comes to protecting public health.

If a product made of virgin materials would be prohibited because of its PFAS contents, so too should a product containing some recycled materials that also carries a PFAS risk. VPIRG therefore opposes the proposed exemption for recycled content.

#### **Exemption for Pesticides (Paul)**

Finally, the issue of PFAS in pesticides is very serious and quite worthy of consideration by this committee and others in the building. We do not believe that PFAS in pesticides should be exempt from further consideration. [There is developing research finding PFAS are being added to pesticides.](#) A recent report published by the Journal Environmental Health respects found that 14 percent of all U.S. pesticide active ingredients are PFAS, including nearly one-third of active ingredients approved in the past 10 years.

We're providing as part of our testimony, a link to a news release from just last year by the Environmental Working Group, the Center for Biological Diversity, and Public Employees for Environmental Responsibility. Together they published the peer-revised study I just mentioned that was the first-ever comprehensive review of the ways in which PFAS are introduced into U.S. pesticide products.

According to the study, pesticides containing PFAS are used throughout the country on foods such as corn, wheat, Kale, spinach, apples, and strawberries. They're also widely used in our homes for insect-killing sprays and in flea treatments for pets.

As one of the researchers (David Andrews, Ph.D, EWG deputy director of investigations and a senior scientist) put it, "PFAS not only endanger agricultural workers and communities but also jeopardize downstream water sources, where pesticide runoff can contaminate drinking supplies. From home gardens to pet care, the use of these pesticide products further illustrates why we must end all non-essential uses of these persistent 'forever chemicals.'"

Now I do believe that tackling PFAS in pesticides is a more complex issue at the statewide level than addressing the several product categories proposed by ANR in their recommendations. Here too, we believe more consideration may be needed. But for the reasons we've mentioned, PFAS in pesticides should not simply be dismissed.

## **Conclusion**

We are happy to be in a position to encourage this committee to pass legislation that makes important progress in eliminating the threat of PFAS in some widely used product categories. In this respect we are in strong agreement with the state agencies that helped to develop the proposal. We also agree that by improving the definition of "intentionally added" the state's existing and proposed regulation of PFAS threats could be substantially more effective.

We urge you to pass these parts of the recommendation while rejecting the proposed change in the PFAS definition and allowing for further consideration of pesticides and a broader array of consumer products. Thank you for your consideration.