



**April 8, 2025**

**To:** The Senate Committee on Health & Welfare  
**From:** Maggie Lenz on behalf of Vermont Retail & Grocers Association  
**Re:** H.238

Chair Lyons and members of the committee,

Thank you for the opportunity to speak with you today. The Vermont Retail & Grocers Association (VRGA) represents retailers of all sizes and sectors across Vermont, from independent general stores and specialty retailers to grocery chains and national brands. Our members serve every part of the state and play a vital role in providing Vermonters with affordable, essential products.

We support Vermont's goal of phasing out PFAS in consumer products. Retailers, like the customers we serve, want safer goods and cleaner supply chains. At the same time, we ask for a few targeted refinements to H.238 to ensure that its implementation is fair, enforceable, and workable for businesses that rely on long and complex supply networks.

We urge the Legislature to retain Vermont's current statutory definition of "intentionally added" PFAS. The existing language appropriately limits the definition to PFAS that are deliberately included in a product or component for a specific functional purpose. That definition is consistent with current law and with similar language adopted in other states.

Expanding the definition, as proposed in H.238, could unintentionally sweep in PFAS that were never added intentionally, such as trace residues introduced through cross-contamination, or background environmental exposure. It could also create confusion around PFAS used solely as processing aids that do not serve any functional role in the finished product.

Maintaining the current definition allows the State to focus enforcement on meaningful, deliberate uses of PFAS while avoiding spending time and resources going after trace, unavoidable presence outside of the supply chain's control. It also aligns with what businesses are already working toward and supports Vermont's long-standing commitment to clear, targeted, and practical environmental regulation

We respectfully request that the Legislature restore the exemption for products made with 50 percent or more recycled content. This exemption, included in earlier drafts of the bill, is

essential to maintaining Vermont's long-standing commitment to recycling, waste reduction, and a circular economy. Many manufacturers are actively working to reduce environmental impact by shifting to recycled inputs. Unfortunately, legacy PFAS contamination in recycled materials cannot always be fully controlled. Penalizing companies for using recycled content discourages investment in sustainable product design and undermines broader climate and materials recovery goals. Vermont should be encouraging the use of recycled materials whenever possible, and allowing for certain levels of unavoidable PFAS in recycled content is a necessary part of that transition.

Retailers also need adequate time to adapt. We request a minimum of two years from the date of passage before any of the PFAS restrictions take effect. This reflects the real-world product lifecycle, from material sourcing and manufacturing to distribution and final sale, which often spans two to three years. Without a clear and realistic sell-through window, businesses could be forced to dispose of inventory purchased in good faith under prior rules. That is not an efficient or environmentally sound outcome.

We also support limiting the fluorinated container restrictions to packaging used for the product categories already regulated by the bill, with the option to add others through rulemaking if appropriate. This will help prevent unintended impacts on low-risk applications and ensure the policy stays focused on products with known exposure risk and viable alternatives.

We also ask the committee to consider exempting certain fluoropolymers, like PTFE, which are chemically distinct from other PFAS compounds. These high-molecular-weight materials have extremely low exposure potential and are difficult or impossible to replace in many applications. At a minimum, their use should be studied more fully before any enforcement begins.

Lastly, we ask that you assign enforcement authority to the Vermont Department of Health. This agency is best positioned to lead enforcement, given its scientific expertise and its established role in public health protection. Enforcement through the Attorney General's office or private litigation would introduce unpredictability and burden businesses that are working in good faith to comply.

VRGA and our members are committed to supporting Vermont's environmental and public health goals. Our recommendations are not about weakening the bill, but about making sure it is workable and effective. Retailers and manufacturers need clear, realistic rules that they can implement with confidence. With these refinements, H.238 can be a strong and successful step toward a safer and more sustainable marketplace.

Sincerely,

Maggie Lenz

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