Testimony of VPIRG Environmental Advocate Anna Seuberling concerning the regulation of PFAS in products

Senate Health and Welfare

April 4, 2025

Good morning, Chair Lyons and members of the committee. For the record, my name is Anna Seuberling, and I am an Environmental Advocate with VPIRG. Thank you for the opportunity to testify today on H.238.

First, I want to acknowledge the important steps this bill takes to minimize human exposure to PFAS "forever chemicals." VPIRG is largely supportive of the version passed by the House, and today, I'd like to offer a few recommendations and answer any questions you may have.

This may be VPIRG's first time testifying in this committee this year, so for context—VPIRG stands for the Vermont Public Interest Research Group. We are the state's largest consumer protection and environmental advocacy organization, with over 20,000 members and supporters across Vermont. For over 50 years, we have worked to protect public health, our environment, and our democracy.

Why This Matters

You are all likely familiar with PFAS, but I'd like to briefly reiterate why this issue is so urgent. PFAS—per- and polyfluoroalkyl substances—are widely used for their water-resistant properties in everyday consumer products like rain jackets, nonstick cookware, and cosmetics. These chemicals are often called "forever chemicals" because they persist in the environment and in our bodies indefinitely. The CDC has found that nearly all people in the U.S. have detectable levels of PFAS in their blood. Exposure to PFAS, as you heard from the Vermont Department of Health earlier this week, has been linked to increases in cholesterol, specific types of cancer (kidney and testicular), liver damage, and reproductive and developmental impacts.

Vermont's Leadership on PFAS

Recognizing these risks, the Vermont Legislature has taken an upstream approach to PFAS pollution—tackling the issue at its source by restricting its use in consumer products. Over the past several years, Vermont has joined many other states in banning PFAS in key product categories, including:

- Firefighting foam
- Food packaging
- Residential rugs and carpets
- Ski wax
- Cosmetics
- Menstrual products
- Artificial turf
- Incontinence products
- Juvenile products
- Cookware
- Textiles

H.238 continues this approach by adding three more categories to this list: **cleaning products, dental floss, and fluorine-treated containers.** Other states, including Colorado, Connecticut, Maine, and Minnesota, have already moved to restrict PFAS in these products on similar timelines.

*** **Dental floss**: CO (2026), CT (2026), ME (2026), MN (2025) **Cleaning products:** CO (2026), CT (2028 with labeling starting in 2026), ME (2026) ***

By passing H.238, Vermont will take another meaningful step to reduce exposure to these harmful chemicals and safeguard public health.

Changes and Compromises in H.238

As you've heard from previous witnesses, this bill has undergone significant changes since it was first introduced in the House Environment Committee.

Initially, ANR's report—and the first draft of H.238—proposed a **broader regulatory program** under ANR. This approach would have banned intentionally added PFAS from nearly all consumer products. If implemented, this program would have significantly reduced PFAS in a wide range of consumer goods.

Ultimately the committee decided not to go with the regulatory program and instead continue the product-by-product strategy set up in Act 131. Because H.238 follows the same structure and approach to PFAS pollution as Act 131, they decided to keep much of the same language, most importantly – the definition of PFAS.

To summarize, the broader regulatory program was set aside, but the strong PFAS definition was preserved, and the product-by-product approach continued with the categories recommended by ANR.

Industry Arguments

I bring this up because you will likely hear requests from industry to change the definition of PFAS. I want to emphasize that **this is unnecessary, not backed by science, and would set Vermont apart from 23 other jurisdictions and the OECD (Organization of economic cooperation and development)**

Other states that use OECD definition: AR, AZ, CA, CO, CT, GA, KY, HI, IL, IN, LA, MA, MD, MN, NH, NV, NY, OH, OR, RI, VA, WA

A key industry tactic nationwide has been to **exclude an entire class of PFAS, fluoropolymers,** from state PFAS bans. Industry has been looking to undermine state's PFAS bans, like in New Mexico, by exempting Fluoropolymers—a type of PFAS often used in cookware and textiles. Exempting fluoropolymers from the definition of PFAS would put Vermonters at risk for toxic exposure.

By **preemptively exempting an entire class of PFAS** the bill would remove any obligation for companies to invest in **safer alternatives—allowing harmful chemicals to remain in widespread use indefinitely.**

Why Fluoropolymers Are Problematic

1. PFAS Manufacturing Creates Harm

The production of fluoropolymers releases dangerous byproducts into the air and water, including:

- **Chlorofluorocarbons (CFCs):** Potent ozone-depleting substances
- **Hydrofluorocarbons (HFCs) & Hydrochlorofluorocarbons (HCFCs):** Greenhouse gases with high global warming potential

2. Are Fluoropolymers Safer? No.

Despite industry claims, fluoropolymers—including **PTFE (used in nonstick cookware)**—pose health risks throughout their entire lifecycle:

- **Consumer Exposure:** PTFE can flake off cookware, becoming microplastics that consumers ingest. PTFE particles have been found in **urine and semen**, with links to **reduced sperm counts.**
- **Inhalation Risk:** When heated to **450-500°F** (as during searing or broiling), **PTFE off-gasses toxic fumes,** which can cause respiratory damage.
- **Environmental Contamination:** Fluoropolymers shed particles from **textiles and carpets,** which enter wastewater and accumulate in the environment. The EPA has found that fluoropolymers used in carpets contribute to long-term pollution.
- **Waste & Disposal Impacts:** PFAS-coated products **break down into microplastics, contaminating groundwater and ecosystems** when disposed of.

3. The "Trojan Horse" Effect

New research shows that polymers—including fluoropolymers—can act as **"Trojan Horses" for toxic chemicals.** They may **appear stable at first, but degrade over time,** releasing harmful PFAS into the environment and our bodies.

The Bottom Line

Exempting an entire class of PFAS chemicals contradicts widely adopted scientific precedent and, most importantly, puts Vermonters at risk of continued exposure.

For that reason, we strongly oppose any changes to the PFAS definition, particularly those that would exempt fluoropolymers.

I've also submitted to the committee a letter from various medical professionals/ public health organizations highlighting their concerns regarding Fluoropolymers.

Timelines

Though the house took testimony and decided to move back the date for the cookware, we are unpersuaded that there is a need to delay action here. There are plenty of alternatives to nonstick cookware that do not require these chemicals and many other states that have the same if not sooner timelines for cookware, including:

- Minnesota (2025)
- Maine (2026)
- Colorado (2026)

Intentionally Added PFAS

The **definition of "intentionally added" PFAS** in H.238 reflects ANR's recommendation, which is more protective of public health and covers multiple "tiers" of intentionally added PFAS.

The definition in the bill states:

"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 in the final product and results in PFAS in the final product. The addition of PFAS must be known or reasonably ascertainable by the manufacturer. PFAS shall not be considered intentionally added if the chemical is present in the product due to use of water containing PFAS and the manufacturer took no action that resulted in the PFAS being present in the water."

This definition ensures that the law captures:

- **PFAS chemicals added for a specific function** in a product
- **PFAS used during manufacturing** that may end up in the final product
- **A safeguard for manufacturers** regarding PFAS-contaminated water beyond manufacture's control

One key concern was **PFAS contamination from water used in manufacturing.** The updated definition now addresses this issue by clarifying that manufacturers are not liable if PFAS is present due to water use and they took no action to introduce it.

We support this change in definition as it works to further protect Vermonter's exposure to PFAS.

A Potential Improvement for the Committee to Consider

One concern that you heard from the Attorney General earlier this week - is the potential for manufacturers based in states with less protective water standards than Vermont to sell their products here and potentially put our residence at risk for PFAS exposure.

For example, currently, an out-of-state manufacturer could use contaminated water in their production process and still sell those products in Vermont—even if their PFAS levels exceed Vermont's own standards.

To address this, we agree with the Attorney General that the committee may want to consider adding language that ensures all manufacturers—regardless of location—must use water with PFAS levels that comply with Vermont's standards.

This would:

- Create a level playing field for all manufacturers in and out of state
- Ensure out-of-state products don't introduce more PFAS pollution into Vermont

Fluorine Treated Containers

Currently, the bill **covers only fluorine-treated containers used for products where PFAS has already been—or will be—banned starting in 2027.** Then, in **2030, the ban expands to cover all fluorine-treated containers.**

We're very interested in getting PFAS out of containers and the products carried in them. We hope to have further conversation with the AG's office and other stakeholders on this.

Conclusion

Lastly, I want to thank the committee for taking up this bill. As you've heard from many witnesses, there is **broad support** for swift action to remove PFAS from our environment, and **H.238 makes significant strides toward that goal.**

I also want to acknowledge there are some important aspects to this issue that are not in this bill. Firefighting gear, for example. We see that it's important to ban PFAS from firefighting gear while ensuring that we don't move to other unsafe alternatives. Additionally, **PFAS contamination extends beyond consumer products.** PFAS in **pesticides** **and biosolids** are a serious and growing issue—both here in Vermont and across the country. Vermont should be developing a plan to deal with PFAS in biosolids and PFAS in pesticides. While it may not be in this bill at this moment these are very serious credible issues.

If there is an opportunity to explore solutions, we would **strongly encourage future legislation or studies** to address this issue. States like **Maine and Connecticut have**

passed biosolids regulations, and Vermont could learn from their experience as those policies take effect.

Thank you again for your time and consideration. I'm happy to answer any questions.