

PERSISTENT POLLUTANTS

World's first ban on products with PFAS adopted in Maine

Law allows exemptions for health and safety when alternatives aren't available

by **Cheryl Hogue**

July 19, 2021

Credit: Shutterstock

Any cosmetics containing PFAS will be banned for sale in Maine starting in 2030.

The US state of Maine is the first government in the world to ban the sale of products containing any chemical in a class of highly persistent synthetic compounds.

As of Jan. 1, 2030, **Maine's law** prohibits selling any product containing per- and polyfluoroalkyl substances (**PFAS**) that were intentionally added to the item. The statute, enacted July 15, contains an exception for PFAS-containing products that the state's Department of Environmental Protection determines are "essential for health, safety or the functioning of society and for which alternatives are not reasonably available."

Rugged molecules featuring strong carbon-fluorine bonds, PFAS are sometime called forever chemicals. Some PFAS are toxic and are linked to serious health problems, but scientists have so far studied the hazards of only a handful of the 9,000 or so varieties of these compounds. The European Union last year took a pioneering step in PFAS control by **adopting a strategy** to phase out all but essential uses of the substances. But the EU has not yet turned its strategy into final legislation like Maine's law.

The Maine statute initially bans the sale of new carpets or fabric treatments that contain intentionally added PFAS as of Jan. 1, 2023. Also on that date, manufacturers of any product for sale in Maine containing intentionally added PFAS must notify the state and describe the purpose and amount of PFAS in the product. The law authorizes the state's Department of Environmental Protection to require companies to pay for collecting and processing these submissions.

The law "puts the onus on companies to provide details about where PFAS are being used in products and if those uses are necessary," David Andrews, a senior scientist at the **Environmental Working Group**, an advocacy group, says.

Lawmakers in Maine are deeply concerned about the application of PFAS-tainted biosolids, or sludge, to farm fields as fertilizer, says Patrick MacRoy, deputy director of the advocacy group **Defend Our Health**. In recent years, two dairies in the state shut down after discovering high levels of PFAS in milk from cows that consumed hay and water later found to be tainted with the compounds. The contamination was traced to sludge from paper mills and wastewater treatment plants that was spread on farm fields.

In response, Maine lawmakers required the Department of Environmental Protection to set a threshold for allowable concentrations of PFAS in land-applied biosolids. Since then, much of this material has exceeded that limit, leaving wastewater treatment plants across the state with mounds of tainted sludge they can't easily dispose of, MacRoy tells C&EN.

State legislators, backed by wastewater treatment plant operators, municipalities, and environmental and health advocates, crafted the law to address the sources of PFAS in biosolids, MacRoy says. Those sources are products, from carpets to cosmetics, that contain PFAS. The chemicals eventually get washed down the drain or leach out of landfills and end up in sewage sludge.

The US chemical industry group American Chemistry Council, which opposes the regulation of PFAS as a single class, severely criticizes the Maine statute.

“This misguided law will eventually ban thousands of products that Maine families and businesses rely on without providing meaningful impact on public health. It will impact every major industry in Maine, including forest products, healthcare, textiles, electronics, and construction,” the ACC says in a **statement**. “It undermines effective product design, and in some cases, product safety and efficacy, including for applications that are important for public safety and public health.”

MacRoy calls the ACC's predictions “hogwash,” noting that the law allows exemptions to the ban, notably for protection of public health and safety.

Chemical & Engineering News

ISSN 0009-2347

Copyright © 2021 American Chemical Society

YOU MIGHT ALSO LIKE...

ENVIRONMENT

Saying No To PFCs

PERSISTENT POLLUTANTS

For PFAS, is environmental persistence on its own enough to trigger regulation?

SPONSORED CONTENT

The Chemistry of Sunscreen

by ACS Publications

JOIN THE CONVERSATION

 **Contact the reporter**

 **Submit a Letter to the Editor for publication**

 **Engage with us on Twitter**