



Planning for the Implementation of Maine's PFAS Ban

Maine has begun implementing its comprehensive ban and reporting requirements affecting products containing intentionally added **PFAS (perfluoroalkyl and polyfluoroalkyl substances)**. Starting on January 1, 2023, Maine prohibited the sale of carpets or rugs and fabric treatments containing intentionally added PFAS. **By January 1, 2030**, however, any product with an intentionally added PFAS may not be sold in Maine unless the use of the PFAS in that product is designated as a **currently unavoidable use (CUU)** by the state. In addition, starting on January 1, 2025, manufacturers of products with intentionally added PFAS must **report** the presence of those products to the Maine Department of Environmental Protection (DEP).

Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a large, complex group of manufactured synthetic chemicals used in industry and in specific manufactured products and devices since the 1940s. PFAs may be present in some medical devices or equipment and including but not limited to chrome plating, electronics, sealants, stain or water-repellent products, fire retardant materials and some textiles.

The DEP has begun working on identifying CUUs via public rulemaking. CUUs refer to uses of PFAS that are essential for health, safety, or societal functioning and for which reasonable alternatives are not available. After the DEP completes its rulemaking, the results will be submitted for review by the state's legislation.

At the beginning of 2024, the DEP began accepting from third parties proposals for CUU determinations, and the agency asks that such submissions be filed with it on or before **March 1, 2024**. Submissions may be submitted by manufacturers individually or collectively. A submission must include the following information:

1. Provide a brief description of the type of product including, if applicable, the Global Product Classification (GPC) brick category and code, or if GPC is not applicable then use the Harmonized Tariff System (HTS) code.
2. Describe the intended use of the product and explain how it is essential for health, safety, or the functioning of society.

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3. Describe how the specific use of PFAS in the product is essential to the function of the product. If this use is required by federal or state law or regulation, provide citations to that requirement.
4. Describe whether reasonably available alternatives to PFAS exist for this specific use.
5. Provide contact information for the submission.

CUU requests should not contain any confidential business information, as they will be made public. In addition, a CUU granted by the DEP will not exempt manufacturers from the reporting requirements.

Any questions can be directed to Rick Van Arnam, the Dental Trade Alliance's regulatory affairs counsel, at rvanarnam@barnesrichardson.com.

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