March 3, 2025

The Honorable Luke Clippinger
Chair, House Judiciary Committee
101 Taylor House Office Building
Annapolis, Maryland 21401

RE: HB 1112 - PFAS Chemicals - Civil Actions and Prohibition on Consumer Product Sales
Position: Unfavorable

Chair Clippinger:

On behalf of the Alliance for Automotive Innovation[1] (Auto Innovators), thank you for the opportunity to provide testimony in opposition to HB 1112, seemingly well-intended legislation that would have a far-reaching and disruptive impact across Maryland's economy.

This legislation seeks to address the use of products containing chemicals from the PFAS family. It would ban thousands of products from sale and distribution in Maryland starting in July 2026, including vehicles and critical parts needed to service and maintain them, with no provisions for an exemption or relief from the prohibition. It would create an unreasonable burden on the state and industry alike. **If HB 1112 is enacted, automakers will be unable to deliver any new vehicles to Maryland dealers beginning in July of 2026.**

PFAS in the Auto Industry
The expectations for today's automobiles are high, and the environments in which vehicles must operate are harsh. From the coldest days of winter to summer driving through Death Valley, consumers expect their car or truck to get them there safely. The PFAS family of chemicals has helped provide this resiliency through the application of coatings and products that resist heat, oil, stains, grease, and water. Such qualities are imperative throughout the vehicle. The heat resistance qualities of PFAS allow flexible fuel lines to safely deliver gasoline into a hot engine without causing a fire. Similarly, heat resistance – along with protection from water intrusion – protects the integrity of wire looms, sensors, and brake lines on a vehicle that allow today's advanced safety systems to function. In addition to these safety benefits, modern vehicles have drastically reduced emissions, in part because of the chemical and heat-resistant protections that PFAS provide to gaskets and O-rings, which keep engines tightly sealed, and coatings on cylinder heads and hoses, which reduce fugitive gasoline vapor emissions. Nearly every automotive system depends on certain types of PFAS chemicals to provide a durable, reliable, safer, and cleaner product to consumers.

Automakers and their suppliers consider the impacts of chemicals used to build today's vehicles very seriously and are always looking for substitute compounds that can perform the same job with a lower environmental impact. The industry has even recognized areas where it can reduce the use of PFAS chemicals in specific applications, as it has already ceased use of long-chain PFAS products. Despite all this, however,

[1] Auto Innovators represents the full auto industry, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to ensure a healthy and competitive auto industry that supports U.S. economic and national security. Representing approximately 5 percent of the country's GDP, responsible for supporting nearly 10 million jobs, and driving $1 trillion in annual economic activity, the automotive industry is the nation's largest manufacturing sector. www.autosinnovate.org.

there are some uses that cannot yet be replicated by any other known chemical. There is no way to build a vehicle without these chemicals, and industry certainly will be unable to find a way before July 2026.

Complexity for Automakers
The universe of PFAS chemicals prohibited under HB 1112 is tremendously wide, capturing over 10,000-plus unique chemical substances. This appears to be without discernment regarding the actual levels of risk and concern to humans and the environment of these thousands of chemicals. The bill explicitly ignores that the broad use of the term PFAS incorporates exceptionally different physical, chemical, environmental, and biological properties. Not all PFAS chemistries are the same, and they should not be treated uniformly. This bill is overly broad, lacks scientific justification, and imposes an extremely onerous obligation on the automotive industry with no apparent or obvious benefits to the public.

Considerations from Other States
Even among other states with provisions banning PFAS in consumer products, two things are true. The first is that no state is implementing a broad consumer ban on PFAS in products before 2032. Second, all states that have broad bans for PFAS in consumer products also provide for a "currently unavoidable use" exemption for products that are essential for the health, safety, and functioning of society and cannot be manufactured without PFAS—such as vehicles (see 38 Maine Revised Statutes § 1614(4)(I) exempting most vehicle uses). HB 1112 diverges from both these precedents.

Furthermore, other states have struggled with implementing PFAS reporting and ban statutes or have scrapped legislation altogether. Maine, which passed the first major PFAS reporting and ban legislation of this kind, has now twice amended their law, the second time to substantially reduce the amount of reporting required, exempt certain products, and push back phase-out dates. Several amendments have also been introduced in Minnesota to revise their PFAS in products law, which is the only other state with a consumer product-wide ban currently in statute.

Specific Recommendations
The automotive industry recommends that statutes and regulations addressing PFAS:

1. Should not combine PFAS chemicals into one large class of substances for regulatory purposes. A clear distinction must be made between those chemicals that may cause harm and those that do not.
2. Should focus on PFAS of known health concern.
3. Should exclude breakdown products and byproducts of PFAS that are not intentionally added.
4. Should exclude hydrofluorocarbons, hydrofluoro-olefins, hydrochlorofluoro-olefins, fluoroiodocarbons, hydrochlorofluorocarbons, and chlorofluorocarbons that are used refrigerants as defined in ISO 817:2014, Refrigerants — Designation and safety classification.
5. Should exclude high molecular weight fluoropolymers.
6. Should exclude PFAS that are no longer manufactured and have an existing SNUR to prohibit the import or manufacture, including the import or manufacture in articles.

Thank you for your consideration of our position. For more information, please contact our local representative, Bill Kress, at (410) 375-8548.

Sincerely,

Josh Fisher
Senior Director, Alliance for Automotive Innovation