

we make life better*

Testimony:	HB 1112
Committee:	House Judiciary Committee Hearing
Date:	March 5, 2025
Position:	Oppose Unless Amended

Dear Members of the Judiciary Committee:

I am Hayley Davis, Manager of State Government Affairs at the Air-Conditioning, Heating, and Refrigeration Institute (AHRI). I appreciate the opportunity to submit this written testimony on behalf of AHRI, the national trade association representing the HVACR and water heating industry.

AHRI represents more than 330 manufacturers of heating, ventilation, air conditioning, refrigeration (HVACR) and water heating equipment. It is an internationally recognized advocate for the HVACR and water heating industry and certifies the performance of many of the products manufactured by its members. In North America, the annual economic activity resulting from the HVACR and water heating industry is more than \$211 billion. In the United States alone, AHRI member companies, along with distributors, contractors, and technicians employ more than 700,000 people.

While AHRI understands and supports the intent behind the legislation, we believe that prohibiting the entire class of **per- and poly-fluoroalkyl substances (PFAS)**—particularly with the proposed definition of "one fully fluorinated carbon atom"—represents a monumental and years-long regulatory challenge. As currently written, **HB 1112** would effectively ban the sale of most, if not all, HVACR and water heating equipment, components, and refrigerants in Maryland within a short period of just a year and a half.

We respectfully urge the bill sponsors to make substantial changes to this legislation and consider the following suggested amendments.

Risk-Based Approach

AHRI and its members recommend adopting a risk-based approach to PFAS management that considers both hazard and exposure. This approach focuses limited resources on the highest priorities based on actual environmental, health, and safety risks, rather than just the presence of a substance. We suggest the bill sponsors review the **Environmental Protection Agency's (EPA) Toxic Substances Control Act (TSCA)¹** risk evaluation criteria as a model for this process.

Definitions

¹ "How the EPA Evaluates the Safety of Existing Chemicals" <u>https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/how-epa-evaluates-safety-existing-chemicals</u> (accessed on March 3, 2025)

AHRI recognizes the complexity of defining PFAS but notes that the proposed definition encompasses over 9,000 chemicals, unintentionally including low-risk refrigerant blends and fluoropolymers, such as hydrofluorocarbon (HFC) refrigerants and their low-global warming potential (GWP) alternatives. We recommend that **HB 1112** focus on high-risk persistent, bioaccumulative, and toxic (PBT) PFAS, avoiding the inclusion of products that do not pose a public health risk, and providing clarity for regulated industries.

Additionally, AHRI is concerned that the bill does not define "consumer product" and assumes all products with PFAS pose the same risk. Given our industry's crucial role in human comfort, safety, and Maryland's environmental goals, we request several exemptions to ensure regulatory clarity and prevent disruptions to HVACR and water heating supply chains in Maryland.

HVACR and Water Heating Equipment, Refrigerants and Fluoropolymers

AHRI members are transitioning to climate-friendly refrigerants under the American Innovation and Manufacturing (AIM) Act of 2020. Most low-Global Warming Potential refrigerants (A2Ls) used in HVACR and water heating systems have low toxicity levels.² The **EPA Significant New Alternatives Policy (SNAP)** evaluates refrigerants based on exposure risks, toxicity, and environmental impact, and has determined that A2L refrigerants present minimal risk to humans and the environment.³

Certain polymers, like polytetrafluoroethylene (PTFE), meet Maryland's PFAS definition but are used in products with minimal potential for human or environmental exposure, thus posing little risk.

Embedded Components and Replacement Parts

Even for industries with detailed knowledge of their components' chemical makeup, gathering an accurate dataset of chemicals across supply chains is extremely challenging. The HVACR and water heating industry must request, compile, and analyze data on chemicals in components to determine if their final products contain PFAS as defined. Additionally, many manufacturers must provide replacement parts for years to ensure products remain operational and meet warranty obligations. Redesigning and producing replacement parts long after they were originally made is not economically feasible, as many parts are no longer actively manufactured. AHRI requests that **HB 1112** include an indefinite exemption for replacement parts to support ongoing service and repair of existing equipment.

Lack of Proposed Regulatory Process

AHRI is concerned about the absence of a regulatory framework to manage the immense and complex task of preventing over 9,000 chemicals from entering Maryland's market within a year and a half. The bill does not specify how Maryland will identify products containing PFAS, nor does it provide a process for manufacturers to request exemptions for products lacking viable PFAS alternatives.

AHRI recommends a regulatory framework that:

² ANSI/ASHRAE Standard 34-2022

³ EPA Significant New Alternatives Policy- Criteria for Evaluating Alternatives, <u>https://www.epa.gov/snap/about-snap-review#criteria</u>. (Last accessed on March 3, 2025).

- Provides short-term and indefinite currently unavoidable use (CUU) exemptions for critical equipment, components, and uses
- Uses targeted, risk-based identification and prohibition by prioritizing high-exposure PBT PFAS, as identified by Chemical Abstract Services Registry Numbers (CASRN)
- Allows reasonably ascertainable reporting requirements with a list of CASRN-identified covered chemicals and sufficient time (AHRI recommends a minimum of 24 months) between finalizing the reporting requirements and the reporting deadline to allow manufacturers to create a tracing program.

Conclusion

AHRI asserts that the chemicals used in HVACR and water heating equipment pose minimal exposure risk. These chemicals are not disposed of in waterways, nor do they contaminate drinking water. Additionally, HVACR and water heating systems are maintained by qualified professionals, and the chemicals in these systems are not typically accessible to the public.

While AHRI supports the goal of managing harmful PFAS chemicals, we oppose the bill as written. We request amendments to ensure necessary exemptions and a scope that allows continued use of essential HVACR and water heating equipment in Maryland.

Sincerely,

Hayley Davis Manager, State Government Affairs