



February 20, 2026

Chairman Brian J. Feldman
Senate Education, Energy & Environment Committee
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Re: Testimony Regarding SB686

Thank you for the opportunity to submit testimony on SB686. The Sustainable PFAS Action Network (SPAN) is a coalition of PFAS users and producers that are committed to sustainable, risk-based PFAS management. Our members advocate for responsible policies that assure long-term human health and environmental protection while recognizing the critical need for certain PFAS materials as a contributor to US economic growth and competitiveness.

SPAN supports the sponsor's intent of addressing PFAS contamination in Maryland, and focusing on nonessential consumer products. However, SPAN would like to emphasize that SB686's current class-wide provisions would greatly expand the focus of the bill to include PFAS uses that are critical to the modern 21st century economy, and would cause implementation issues similar to those faced in other states that have passed class-wide PFAS laws.

Firstly, the definition of PFAS in SB686 is overly broad, and does not properly target commercially-active compounds. Recently, both federal and state-level PFAS programs have trended toward risk-based policy that more carefully considers the implications of an overly-broad definition. The U.S. EPA utilizes a more targeted definition that was promulgated by the Biden Administration, and is more focused on commercially-active compounds than the definition currently used in SB686. The bill's current definition needlessly broadens its focus by including substances that do not share chemical characteristics with PFAS of concern. As long as this definition remains in the bill, it is likely that essential products that have been approved for their end-use by the federal government will be targeted for unnecessary regulation.

SB686 currently contains a provision requiring all products containing PFAS, regardless of whether the Department has determined that the use of PFAS is currently unavoidable, to be registered with the Department by January 1, 2028. With the definition of PFAS currently used in the bill, this requirement would mean that thousands of products must register with the state, regardless of risk. Manufacturers of complex products would need to obtain information on PFAS usage from multiple manufacturers along extensive global supply chains. States that have attempted to implement class-wide reporting requirements, such as Maine and Minnesota, have experienced significant delays and implementation issues. In Maine, this resulted in extensive legislation that greatly revised their reporting requirement, which passed the legislature on a bipartisan basis in 2024.

SB686 also states that if a manufacturer is not in compliance with this reporting requirement, then that manufacturer may not sell, distribute, or distribute for sale a product that contains intentionally-added

PFAS in Maryland, beginning on January 1, 2029. Given the implementation issues and delays that the Department is likely to experience with such a broad reporting requirement, this language is likely to lead to a de facto ban on thousands of products in Maryland. Such an effort would cost millions to implement and consume significant Department resources, with relatively little benefit to the overall protection of Maryland residents. Given these circumstances, SPAN strongly suggests that the class-wide reporting provision, and subsequent ban, be removed from SB686.

SPAN supports SB686's requirement that the Department adopt regulations to identify Currently Unavoidable Uses (CUU) of PFAS. The inclusion of a CUU process is critical for any effective PFAS management program to function properly. However, SPAN would encourage the inclusion of an initial list of essential use exemptions, like those that have already been adopted in states such as Maine and New Mexico. Doing so would save the Department considerable resources, as well as provide assurance to critical Maryland job creators that they will be able to continue operating in the state. SPAN recommends that this initial list of essential use exemptions include (but not be limited to):

1. A product for which federal law governs the presence of PFAS in a manner that preempts state authority;
2. Used products offered for sale or resale;
3. Medical devices, drugs and medical packaging;
4. Cooling, heating, ventilation, air conditioning or refrigeration equipment subject to the EPA SNAP Program;
5. Veterinary products and components;
6. Products for environmental or water quality testing;
7. Certain motor vehicles subject to federal regulations;
8. Other motor vehicles, including all off-highway vehicles and farm equipment;
9. Watercraft;
10. Semiconductor devices (chips), and the related equipment, chemicals, and materials used in the manufacture of semiconductors;
11. Non-consumer electronics and lab equipment;
12. Products containing PFAS that are covered by the EPA SNAP Program;
13. Products used for the generation, distribution, or storage of electricity;
14. Products that received a currently unavoidable use designation;
15. Equipment or compounds directly used for manufacture or development of products for all exempted products as described in this section;
16. Products that contain PFAS only in electronic components or internal components;
17. Products that contain fluoropolymers;
18. Products containing PFAS used exclusively for Research & Development purposes;
19. Products used for critical national security purposes (products required to meet the standards of the United States Departments of Defense, Transportation, and Homeland Security, the Federal Aviation Administration, and the National Aeronautics and Space Administration)

Thank you for considering SPAN's testimony. We look forward to working with the Bill Sponsor and Committee on finding a sustainable path forward for PFAS policy in Maryland. Please contact SPAN with any questions or comments.