February 20, 2026

Honorable Brian J. Feldman
Honorable Cheryl C. Kagan
Maryland Senate
2 West Miller Senate Office Building
Annapolis, Maryland 21401

Re: SB 686, PFAS Chemicals – Product Phase Outs and Registration Requirements

Dear Chair Feldman, Vice Chair Kagan, and Members of the Senate Education, Energy, and the Environment Committee:

The Household & Commercial Products Association (HCPA) appreciates the opportunity to provide comments on the proposed legislation concerning the use of PFAS in certain products. HCPA is a voluntary, non-profit U.S. trade association representing approximately 240 companies engaged in the manufacture, formulation, distribution, and sale of products for household, institutional, commercial, and industrial use. HCPA member companies manufacture and/or market products that will be impacted by this bill.

HCPA supports the responsible production, use, and management of fluorinated substances, including regulatory requirements that are protective of human health and the environment for those substances that are persistent, bioaccumulative, and toxic (PBT). Further, HCPA respects the need for regulations of priority chemicals. However, we believe SB 686 would benefit from refinement to ensure the policy is science-based, workable for regulated parties, and avoids unintended supply-chain consequences.

PFAS Nomenclature
PFAS represent a broad and diverse class of chemical compounds. Due to their varying chemical structures, different PFAS substances exhibit distinct physical, chemical, and toxicological properties. While legitimate concerns exist regarding certain PFAS compounds, these concerns do not apply universally across all PFAS or their applications.

For example, fluoropolymers have significantly different exposure and hazard profiles when compared with other substances classified as PFAS. Fluoropolymers have high molecular weight and low solubility, thus are not likely to be mobile or bioavailable, unlike other PFAS compounds. Given that these compounds have different physical-chemical properties that create different exposure and hazard profiles, they should not be combined in the overall class of PFAS.

As another example, HCPA represents the aerosol industry, where propellants play a critical role in product delivery. Aerosol propellants are subject to stringent state and federal regulation, and the industry has made significant investments in developing environmentally preferable alternatives, particularly those that reduce global warming potential (GWP). Hydrofluoroolefins (HFOs) and hydrofluorocarbons (HFCs), commonly used in aerosols, contain only hydrogen, fluorine, and carbon and are not persistent, bioaccumulative, or toxic. These substances have been reviewed and approved by the U.S. Environmental Protection Agency (EPA) under the Significant New Alternatives Policy (SNAP) program, which evaluates health and environmental safety.

Despite these properties, some HFOs and HFCs are captured under overly broad legal definitions of PFAS due to the presence of a single fully fluorinated carbon. This misclassification poses serious challenges. For instance, the New Jersey Department of Environmental Protection already regulates certain compounds based on GWP or ozone formation potential, necessitating the use of HFOs. Developing viable alternatives requires decades of research, innovation, and capital investment. Aerosol propellants have never been considered PFAS and should not be swept into PFAS regulations. Broad definitions that fail to distinguish between harmful and beneficial compounds risk unnecessarily restricting access to safe, EPA-reviewed technologies that support climate goals and for which no alternatives currently exist.

> **HCPA recommends that the definition of "PFAS" be modified such that it has the same meaning as "per- and polyfluoroalkyl substances or PFAS" in 40 C.F.R. 705.3.**

Federal Law Exemption

Many states with PFAS-in-products laws have incorporated federal exemptions into their proposals, acknowledging the importance of harmonizing state-level restrictions with federally regulated uses while still advancing environmental and public health protections. Including a federal exemption in SB 686 is essential to avoid legal conflicts with federal law and ensure continued access to critical products regulated or mandated by federal agencies. Without such exemptions, states risk preempting or interfering with regulations established under the U.S. Environmental Protection Agency's Significant New Alternatives Policy Program (SNAP), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as well as rules set by agencies like the Food and Drug Administration, Federal Aviation Administration, or Department of Defense. These exemptions provide necessary flexibility for uses deemed essential for national health, safety, or security, such as medical devices, aerospace components, and military equipment, where PFAS alternatives may not yet be technically or economically feasible.

> **HCPA recommends that the bill include a clear exclusion for products registered or authorized for use under the U.S. EPA SNAP and FIFRA to prevent conflict with federally regulated and mandated uses.**

Intentionally Added

The bill fails to explicitly distinguish between intentional use and incidental presence of PFAS. As drafted, even trace amounts could trigger regulatory consequences, create confusion, and impose unrealistic compliance burdens on manufacturers. HCPA therefore recommends clarifying that unintentional presence is outside the scope of the program.

Program Scope

Expanding the program scope to include institutional uses, rather than limiting it to items intended for personal and residential use, would significantly complicate implementation and enforcement. Household consumer products are typically sold through retail channels, involve clear labeling, and are subject to well-established regulatory frameworks. In contrast, commercial and institutional products often involve complex supply chains, bulk formulations, and components used in manufacturing, making them far harder to assess and regulate under such a program. Applying the same compliance standards across vastly different product categories would place an unmanageable burden on both regulators and producers, many of whom may not have visibility into downstream commercial or institutional uses.

This broad scope could unintentionally disrupt essential commercial operations, slow innovation, and delay implementation of the law itself. For these reasons, limiting the program's scope to items sold or distributed for personal and residential use ensures a more practical, enforceable, and targeted regulatory approach while still achieving intended environmental and health protections.

> **HCPA recommends that the program focus on items sold or distributed for personal and residential use, ensuring a more practical, enforceable, and targeted regulatory approach—while still achieving the intended environmental and health protections.**

Cleaning Products

Most conventional cleaning products, such as soaps, detergents, all-purpose cleaners, et.al., do not contain "intentionally added PFAS" for functional purposes (e.g., repellency or durability) and their inclusion is both technically flawed and counterproductive. Including such a broad category of products assumes a risk that does not exist. Notably, states, such as New Hampshire[1] and New Jersey[2], have declined to include cleaning products within the scope of their PFAS laws, recognizing that doing so is not supported by sound science. It will instead impose unnecessary compliance burdens, create confusion across the marketplace, and shift regulatory attention away from product categories where PFAS use is known and significant. A more targeted, science-based approach is essential to develop effective, enforceable policies that address actual risk.

Certificate of Compliance

The proposal requires producers to submit a "Certificate of Compliance" attesting that a product "does not contain any regulated PFAS." This language is concerning because it expands the program's scope beyond "intentionally added" PFAS to potentially include trace or unavoidable presence. While ensuring compliance with PFAS regulations is crucial, the requirement for a Certificate of Compliance should not introduce significant administrative, financial, and operational burdens that may be unnecessary given existing regulatory frameworks and accountability measures. Furthermore, in complex supply chains, especially those involving multiple tiers of suppliers and inputs, obtaining a Certificate of Compliance for each component can be extremely challenging, leading to potential bottlenecks and delays in production. Producers are already subject to substantial legal and financial consequences for non-compliance. These existing enforcement tools provide strong incentives to meet regulatory requirements without imposing additional certification mandates.

Enforcement and Testing

At present, there are no verified testing methodologies for many categories of products. It is critical to establish an enforcement system that is clear and unambiguous for the regulated community.

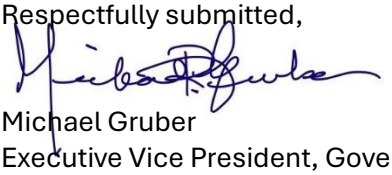
[1] Representative Karen Ebel, NH HB1649 (2024)
[2] Senator Linda Greenstein, NJ S1042 (2024-2025)

Conclusion

The safety of human health and the environment is a top priority for HCPA and our member companies. HCPA supports efforts to address the release of PFAS into the environment; however, we believe the proposed legislation could benefit from refinement to mitigate potential unforeseen consequences within the supply chain.

Thank you for your consideration of our input. I welcome any opportunity to discuss these concerns and can be reached at mgruber@thehcpa.org.

Respectfully submitted,



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