



CONSUMER  
HEALTHCARE  
PRODUCTS  
ASSOCIATION

Taking healthcare personally.

February 20, 2026

The Honorable Senator Brian Feldman  
Chair, Senate Education, Energy, and the Environment Committee  
2 West Miller Senate Office Building  
11 Bladen Street  
Annapolis, MD 21401

**RE: SB 686 PFAS Chemicals - Product Phase Outs and Registration Requirements (Oppose)**

Dear Chairman Feldman,

On behalf of the Consumer Healthcare Products Association (CHPA)<sup>1</sup>, we respectfully submit this testimony in opposition to SB 686. While we share the goal of protecting public health and the environment, we are concerned that SB 686, as drafted, would create significant compliance uncertainty, operational disruption, and increased costs for Maryland consumers without adequate clarity or interstate alignment.

**Definitions & Multi-State Alignment**

We welcome the bill's definition of "intentionally added" PFAS, which broadly aligns with approaches other states have adopted. That said, meaningful inconsistencies persist across the country in several key areas: how "currently unavoidable use" (CUU) is defined and applied, which products fall within scope, what exemptions apply, and when requirements take effect.

Companies that operate nationally are already navigating a patchwork of state PFAS regulations that continue to shift. Without greater harmonization, Maryland risks developing a compliance framework that diverges materially from those of other states – adding regulatory uncertainty and operational complexity, especially where states disagree on what constitutes an "unavoidable use."

Should the Committee advance this legislation, we strongly encourage Maryland to align with an existing state framework that manufacturers are already following or preparing to follow. Establishing Maryland-specific precedents would require companies to build entirely separate compliance systems, compounding an already fragmented regulatory landscape.

**“Currently Unavoidable Use” (CUU) - Clarity & Timing Concerns**

Section 6-1606 permits the submission of testing data from states with information-sharing agreements, which is a useful provision. Even so, it does not address the underlying problem: CUU determinations vary significantly from state to state. Manufacturers may still encounter conflicting interpretations of what constitutes an "unavoidable" use. Section 6-1605 compounds this uncertainty by failing to clearly establish when the Maryland Department of the Environment (MDE) will identify approved unavoidable uses. While CUU regulations are

---

<sup>1</sup> Consumer Healthcare Products Association is the Washington, D.C. based national trade organization representing the makers of over-the-counter medications, dietary supplements, and consumer medical devices



CONSUMER  
HEALTHCARE  
PRODUCTS  
ASSOCIATION

Taking healthcare personally.

due by January 1, 2027, it remains unclear whether approved uses will be finalized and communicated to industry by that date.

The operational timeline raises serious feasibility concerns. A 12-month window – spanning January 2027 to January 2028 – is simply not enough time for companies to redesign products, deplete existing inventory, identify and qualify new suppliers, reformulate materials, conduct validation and safety testing, and relaunch products into the marketplace.

Without regulatory certainty and adequate lead time, companies risk supply disruptions and the unintended withdrawal of products from the market.

### **Registration & Fee Structure (Section 6-1606) - Financial Impact**

Mandatory product registration and PFAS fund fees will increase compliance costs, which will likely be passed on to consumers and create regional price differences. Registration should apply only to products that the bill explicitly prohibits from being sold, not all products containing intentionally added PFAS. This is especially important for products that are essential for public health and safety.

### **Administrative Burden & Compliance Risk**

SB 686 would require ongoing product registration, prohibit the sale of products that are not in full registration compliance, and give the Maryland Department of the Environment the authority to request product-specific PFAS testing results within 30 days. These testing requirements could be costly, and the 30-day turnaround may not be operationally feasible.

In addition, ambiguity regarding federal preemption, particularly for federally regulated products, creates additional compliance risk. If a registration system is retained, we recommend narrowing the scope of products subject to registration, limiting testing triggers to clearly defined circumstances, and aligning reporting and registration with existing state systems to avoid duplicative Maryland-specific frameworks.

### **Pharmaceuticals & Medical Devices**

While SB 686 includes federal preemption language on page 12, the provision lacks sufficient clarity to give regulated industries the certainty they need. PFAS chemicals can be essential to the performance of certain medical and pharmaceutical products, and without explicit exemptions, the bill risks creating regulatory confusion and unintended consequences that could disrupt patient access and undermine public health.

We strongly urge the inclusion of explicit exemptions for FDA-regulated pharmaceuticals and medical devices to ensure regulatory clarity and prevent conflicts with federal law.

### **Conclusion**

We share the Committee's commitment to environmental stewardship and public health. That said, SB 686 as currently drafted introduces significant uncertainty, administrative burden, and operational challenges that could ultimately limit product availability and drive-



CONSUMER  
HEALTHCARE  
PRODUCTS  
ASSOCIATION

Taking healthcare personally.

up costs for Maryland consumers. Should the Committee choose to advance the bill, any resulting legislation must avoid imposing compliance obligations beyond those already established in other states, harmonize definitions, scope, exemptions, timelines, and reporting requirements with existing state frameworks, and support interstate consistency and regulatory predictability.

For these reasons, we respectfully request an unfavorable report on SB 686 in its current form. Should the bill move forward, substantial amendments will be essential to ensure clarity, feasibility, and alignment with other states. We appreciate the Committee's time and consideration.

A handwritten signature in blue ink, reading 'Carlos I. Gutiérrez', is written in a cursive style.

Carlos I. Gutiérrez  
Vice President, State & Local Government Affairs  
Consumer Healthcare Products Association  
Washington, D.C.  
202.429.3521  
[cgutierrez@chpa.org](mailto:cgutierrez@chpa.org)

Cc: Members of the Senate Education, Energy, and the Environment Committee  
The Honorable Senator Sara Love