



AmericanCoatings
ASSOCIATIONSM

March 6, 2026

Health Committee
Maryland General Assembly
240 Taylor House Office Building
Annapolis, MD 21401

Chair Delegate Heather Bagnall
Vice Chair Delegate Bonnie Cullison
Members of the Committee

RE: HB 1022 (PFAS Chemicals – Product Phase Outs and Registration Requirements) – Oppose

Dear Chair Delegate Bagnall, Vice Chair Delegate Cullison and Members of the Committee:

The American Coatings Association’s membership represents 90% of the U.S. paint and coatings industry, including downstream users of chemicals who manufacture end-use formulated products such as paint, coatings, sealants and adhesives. ACA appreciates the committee’s willingness to interact with stakeholders during this process.

HB 1022 would impose a ban of all “paint” sales in the state effective January 1, 2029. It is not clear why paint has been selected for this ban. Paint is not associated with PFAS contamination, and paint is a critical product for several industries, including construction and equipment manufacturing.¹ Paint is also an inherently sustainable product. HB 2022 does not define “paint.” Presumably it would ban sales of all surface coatings.

Paint products contribute directly to sustainability by providing resistance and durability to products upon application. Paint is also a critical material for the construction industry,

¹ Neither Maine nor Minnesota, the states first implementing product bans, included paint with products banned prior to the general ban of all products with intentionally added PFAS. The states did not find a need to ban paint with other products it had identified.

equipment manufacturing and other sectors that would not be able to function in the state if this bill is finalized in its current form. Paint offers vital functions for infrastructure, consumer goods and industrial applications; contributes to a safe and healthy environment for communities; and adds color and protection to buildings, homes and a variety of goods and machinery. Further noting the far-reaching impact of the paint ban in HB 1022, paint applications include protection from corrosion of critical water delivery systems, bridges, buildings and other socially valuable infrastructure. Applications include reflective coatings enhancing building energy efficiency, EV battery coatings, bridge paints, solar-panel coatings, etc.

The bill does not distinguish PFAS types associated with contamination from non-contaminating PFAS

HB 1022 broadly addresses all PFAS, even those *not* associated with contamination. In results published in the *UCMR 5*, EPA found that legacy forms such as PFOA and PFOS were by far the greatest contributors of PFAS contamination with the greatest number of public water systems of all sizes reporting concentrations above maximum contaminant levels.² Other monitored contaminants noted include HFPO-DA (Gen X), PFHxS, PFNA and others. Results are in EPA’s *Fifth Unregulated Contaminant Monitoring Rule (UCMR 5)*, published in January 2026.³ The study is designed to provide a data set to federal and state regulators to address water contamination. EPA monitored public water supply systems for 29 designated PFAS substances, listed as unregulated contaminants, with public engagement, considering likelihood of occurrence as a contaminant, health endpoints, monitoring methods, etc.⁴

In contrast to EPA’s approach of identifying specific PFAS, HB 1022 is intended to prevent contamination by banning certain products with “intentionally added PFAS,” even when PFAS as used in a product is not associated with contamination. The CUU (currently unavoidable use) provisions are unlikely to provide exemptions for products not associated with contamination. A more effective approach would be to limit Maryland’s regulatory efforts to those PFAS EPA has identified as being associated with contamination; or, in the alternative the complete set of 29 PFAS chemicals subject to MCLs (maximum contaminant levels) since EPA has identified these for likelihood of occurrence as a contaminant and health effects. At a minimum, the committee should remove “paint” from the bill since it is not a contamination source.

² See Table 4.

³ *Fifth Unregulated Contaminant Monitoring Rule*,

⁴ EPA Office of Water (MS-140), *EPA Program Overview Fact Sheet: The Fifth Unregulated Contaminant Monitoring Rule (UCMR 5) (December 2021)* at p. 3, available online at: <https://www.epa.gov/system/files/documents/2022-02/ucmr5-factsheet.pdf>

Use of fluoropolymer “PFAS” in paint

PFAS encompasses a variety of fluorinated chemistries with very distinct physical and chemical properties, used in a variety of products. Fluoropolymers are one example of a type of fluorinated chemistry that should be excluded from a definition of PFAS.

Fluoropolymers are considered “polymers of low concern” (PLC) recognized by several regulators, since they are chemically stable, non-toxic, non-bioavailable, non-water soluble and non-mobile.⁵

Fluorinated chemistries in paint are sometimes necessary to meet high performance standards, often reducing raw materials and energy usage due to durability of the fluorinated product. Further, paint manufacturers may formulate products to meet standardized performance requirements, such as AAMA 2605-20 (2020) *Voluntary Specification, Performance Requirements and Test Procedures for Superior Performing Organic Coatings on Aluminum Extrusions and Panels (with Coil Coating Appendix)* or SSPC Paint 47, *Highly Weatherable Fluoropolymer Topcoat, Performance-Based*. Federal agency specifications and municipal codes may adopt these and other related performance standards as requirements for coatings. Another application includes intumescent coatings on industrial buildings used to delay or stop the spread of industrial fires.

Use of a lightly fluorinated solvent in low-VOC and VOC-free paint

Advancements in coatings technology have led to significant reductions in volatile organic compound (VOC) emissions from paint. These changes are facilitated by a short-chained fluorinated solvent not associated with contamination of waterways. California’s South Coast Air Quality Management District (SCAQMD), which includes the Los Angeles area, has the most stringent air emissions regulations in the country, due to air quality issues in the district. As such, ACA analyzes the air quality data collected by the local air district since it is a great indicator of emissions trends globally. The data collected in this area demonstrates that, despite increasing sales, emissions from architectural coatings have decreased by more than 40% since 2008. This dramatic reduction in emissions illustrates

⁵ Additional resources from U.S. Department of Energy, Washington Department of Ecology and Canadian Department of Environment and Health explain these conclusions. These resources are listed below:

- DoE (Department of Energy) recently concluded that fluoropolymers are distinct from non-polymeric PFAS chemicals in its report, *Assessment of Fluoropolymer Production and Use with Analysis of Alternative Replacement Materials* (published January 2024), available online at: [Assessment of Fluoropolymer Production and Use With Analysis of Alternative Replacement Materials \(Technical Report\) | OSTI.GOV](#)
- Washington Department of Ecology, *Per- and Polyfluoroalkyl Substances Chemical Action Plan*, p. 97, Sept. 2022 revision of original publication from April 4, 2021, available online at: <https://apps.ecology.wa.gov/publications/documents/2104048.pdf>.
- Executive Summary in the Canadian Gazette, July 2024: <https://www.gazette.gc.ca/rp-pr/p1/2024/2024-07-13/html/notice-avis-eng.html#ne3>.

industry's commitment to reducing its environmental footprint and improving air quality. This lightly fluorinated solvent is necessary to meet VOC regulations in the state.

Uses of PFAS in paint are not associated with contamination

In results published in the UCMR 5, EPA found that legacy forms such as PFOA and PFOS were by far the greatest contributors of PFAS contamination with the greatest number of public water systems of all sizes reporting concentrations above maximum contaminant levels.⁶ The types of PFAS used by the paint industry, fluoropolymers and a lightly fluorinated solvent, are not contributing to contamination.

Other EPA monitored contaminants noted include HFPO-DA (Gen X), PFHxS, PFNA and others. Results are in EPA's *Fifth Unregulated Contaminant Monitoring Rule (UCMR 5)*, published in January 2026.⁷ The study is designed to provide a data set to federal and state regulators to address water contamination. EPA monitored public water supply systems for 29 designated PFAS substances, listed as unregulated contaminants, with public engagement, considering likelihood of occurrence as a contaminant, health endpoints, monitoring methods, etc.⁸

Challenges of reporting for downstream chemical users

Considering the diversity of PFAS uses and that not all PFAS types are associated with contamination, the requirement to file a PFAS disclosure form for *any* product with intentionally added PFAS is unduly burdensome. The paint industry cannot assess feasibility of this requirement without further details regarding information required on the disclosure form. Downstream users of chemicals, manufacturing paint, face unique challenges related to chemical identification. The paint industry relies on disclosures from upstream suppliers. Sometimes a raw material can contain trace chemical amounts, below legally required disclosure thresholds, since the trace level does not significantly contribute to hazards of the raw material. In this case, the trace quantity would not be disclosed to the paint manufacturer.

Paint manufacturers also do not have commercially available analytical methods readily available to them. Manufacturers are not aware of standardized analytical methods for PFAS identification in chemically formulated products and articles. EPA's test methods are not designed for products. On its PFAS webpage, EPA identifies analytical methods identifying PFAS in water and air.⁹ EPA explains that it is currently developing test methods

⁶ See Table 4.

⁷ *Fifth Unregulated Contaminant Monitoring Rule*,

⁸ EPA Office of Water (MS-140), *EPA Program Overview Fact Sheet: The Fifth Unregulated Contaminant Monitoring Rule (UCMR 5) (December 2021)* at p. 3, available online at: <https://www.epa.gov/system/files/documents/2022-02/ucmr5-factsheet.pdf>

⁹ *EPA PFAS Analytical Methods Development and Sampling Research*, available online at: <https://www.epa.gov/water-research/pfas-analytical-methods-development-and-sampling-research>

for PFAS to understand PFAS contamination across other environmental media. For analytical testing of paint, paint manufacturers would need to hire a third-party laboratory to develop a product-specific test method, varying by type of paint product. This is cost prohibitive.

Conclusion

ACA is in opposition to HB 1022 due to a lack of clear public benefit while it establishes barriers to access products that provide benefits to the public such as paint, an inherently sustainable product. If the legislature would like to address PFAS contamination, ACA recommends that this committee develop targeted legislation to address those chemicals associated with contamination in the state, recently identified by CAS number in EPA's UCMR 5.

Sincerely,

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