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Testimony of Mark Ourada
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Before the House Health Committee

In Opposition to HB 1022:
PFAS Legislation

Chair and committee members.

My name is Mark Ourada, and I am Director of State Government Affairs for the National Electrical Manufacturers Association (NEMA).

NEMA represents over 300 leading manufacturers in the *Electroindustry* supporting more than 2.2 million American workers, generating more than $197.39 billion in labor income annually! In Maryland, the electroindustry supports more than 11,400 jobs and over $1.05 billion in labor income.

A major part of NEMA's work is to provide policy leadership and market intelligence—along with setting standards—for the safe, efficient, and innovative electrical products and systems our member companies create that are making the future electric for our homes, workplaces, schools, and healthcare facilities. NEMA does not manufacture products or advocate for specific chemical uses, but works to ensure policy is grounded in risk, exposure, and sound science.

With over 50 product lines, including batteries, lighting, the electric grid, EV products, cybersecurity, and more, NEMA member products are essential to daily life and public safety.

On behalf of the hundreds of manufacturers and businesses our association represents, we respectfully oppose HB 1022 in its current form.

HB 1022 is overly broad, one of the broadest bans in the country, and would put thousands of complex products at risk for sale and use. It requires all products containing intentionally added PFAS to register and pay a fee. The regulatory burden on industry, and the department, will significantly outweigh the benefit of including PFAS substances that pose little to no harm of risk and exposure and certainly those complex products where consumers are not exposed to internal parts.

Assessing risk and exposure are crucial to managing any potential hazards as Maryland looks to protect its citizens while recognizing the benefits to consumers.

Certain types of PFAS have unique heat resistance, water repelling, and durability such as protection against abrasion, pressure, and friction properties. These properties are often essential to the performance of electrical systems, medical devices, and lighting products which are essential to public health, safety, or the functioning of society, and have no reasonable alternatives. In these applications, PFAS are used for functional performance within enclosed systems, not for consumer exposure.

As an example, NEMA has a medical device company as a member that uses fluoropolymers in items such as pacemakers and heart stents. The qualities that these PFAS substances bring allow these devices to be inserted into the femoral artery which avoids the necessity to open the patient's chest and use major surgery to place these life saving devices. Over a decade of data show no migration of the PFAS into tissue due to the size of the chemical chain.

This legislation makes no attempt to prioritize the types of PFAS that are water soluble and can bioaccumulate. Fluoropolymers on the other hand do not exhibit these properties and are a low concern for human health and the environment.

This is especially true of our members and the thousands of complex products they manufacture. These products can contain hundreds or thousands of internal components… *Being encased inside the product means that any components including PFAS are inaccessible to consumers and significantly limit the potential for human or environmental exposure.*

Furthermore, such products are long-lasting and are often subject to stringent environmental protocols associated with their disposal, which provides an additional assurance of safety.
As you move forward, we hope you will consider sound principles in addressing the important and complex issue of PFAS substances:

- Laws and regulations should prioritize those PFAS that partition to water using a risk-based approach that considers both hazard and exposure.
- Risk management should be based on the best available and sound science.
- Regulations should avoid class-wide targets in recognition of the wide variety of hazards, exposure, and uses.
- Regulations should be consistent among the states.
- Product bans should be considered only after other management tools have been used, and critical use exemptions should be provided where no equivalent or feasible alternatives exist.
- Provide achievable timelines and abundant notice to stakeholders to account for complex global supply chains for complex products.
- Any regulatory approach should distinguish between consumer exposure and industrial uses within complex, durable goods.

Being a former legislator, and living in Minnesota, I am keenly aware of the history and debate surrounding this issue. The Minnesota approach, which is increasingly raising concerns, will generate tens of thousands of pages of compliance documents with a reporting mechanism, PRISM (PFAS Reporting Information System for Manufacturers), which is not currently equipped to handle overly complex reporting and is raising significant questions for OEM's regarding the safekeeping of confidential information.

Our members take these issues very seriously and are committed to working with you to ensure Marylanders, and the environment, are protected while still providing the thousands of products they so depend on every day.

Thank you for your time and attention.

Mark Ourada
Director, State Government Affairs
National Electrical Manufactures Association