



June 8, 2023

Honorable Bob Smith
Chairman, Senate Environment and Energy Committee
State House
125 West State Street
Trenton, NJ 08625-0068

RE: **Oppose NJ S. 3177/ A. 4758, a bill that establishes requirements, prohibitions, and programs for regulation of perfluoroalkyl and polyfluoroalkyl substances (PFAS)**

Dear Chairman Smith and Members of the Senate Environment and Energy Committee:

We are writing to respectfully oppose S. 3177/ A. 4758 related to PFAS reporting requirements, restrictions, and product bans. As written, within one year of the bill's effective date, the bill would require manufacturers to provide written notice to the Department of Environmental Protection (DEP) for products with intentionally added PFAS (as very broadly defined in the bill). Within two years, the bill would ban the sale or distribution of cosmetics, carpets, fabric treatments, and food packaging with intentionally added PFAS; and it would require cookware with PFAS to list the presence of PFAS on the label. The bill also gives DEP unprecedented authority to recommend to the legislature products or categories of products with intentionally added PFAS that should not be sold or distributed in the State of New Jersey. **This legislation therefore could eventually ban thousands of products from sale and transport of those products into the state causing far-reaching negative consequences on nearly every sector of the economy** including aerospace, autos, powersports, alternative energy, healthcare, building and construction, electronics, pharmaceuticals, and agriculture.

PFAS is a broad family of chemistry, particularly as defined in this legislation; they are essential to modern life and serve as an important enabling technology. Not all PFAS are the same, and many PFAS have very different properties. These chemistries provide products with strength, durability, stability, and resilience. **These properties are critical to the reliable and safe function of a broad range of products that are important for industry and consumers.** They play a vital role in everything from designing automobiles with lower emissions and improved safety, reliability and fuel-efficiency to manufacturing semiconductors, solar panels and high-performance electronics. Multiple other industries depend on high-performance PFAS including aerospace, alternative energy (solar, wind), healthcare, building and construction, electronics, chemicals and pharmaceuticals, oil and gas, and outdoor apparel and equipment, among other industries.

This legislation would therefore jeopardize the use of a broad range of critical products that DEP could recommend for deselection or ban. In this regard, the bill gives the DEP unprecedented authority and the challenging task of prioritizing products and categories of products with PFAS to recommend that the Legislature ban. The bill provides vague language as guidance or criteria for DEP to recommend a ban: "*in the department's judgment* pose the greatest risk to public health or to cause contamination . . ."

There is no scientific basis or defined regulatory process for banning products, which runs counter to federal health and safety standards as well as federal chemical and product safety regulations. It further creates uncertainty for manufacturers engaged in global commerce and would put New Jersey consumers and businesses at a competitive disadvantage.

This bill also could adversely impact critical uses of this technology that are important for our society's broader sustainability objectives, including support for alternative energy and greenhouse gas reduction efforts. For example, lithium-ion electric vehicle batteries contain

innovative fluorotechnology and are necessary for New Jersey to meet its transportation decarbonization goals outlined in the NJ Energy Master Plan.

We thank you for your consideration and urge you to oppose S. 3177/A. 4758.

Sincerely,

American Chemistry Council
ACC Spray Foam Coalition
Adhesive and Sealant Council (ASC)
Alliance for Automotive Innovation
American Coatings Association
American Forest & Paper Association (AF&PA)
American Fuel & Petrochemical Manufacturers (AFPM)
American Petroleum Institute (API)
AGC Chemicals Americas, Inc
Animal Health Institute (AHI)
Association of Equipment Manufacturers (AEM)
Association of Home Appliance Manufacturers (AHAM)
BASF
BioNJ
Bio-Process Systems Alliance (BPSA)
Carlisle Spray Foam Insulation
The Chemours Company
Chamber of Commerce Southern New Jersey
Chemistry Council of New Jersey
Creative Polymer Solutions
Crop Life America
Communications Cable & Connectivity Association (CCCA)
Consumer Brands Association (CBA)
Consumer Healthcare Products Association (CHPA)
Consumer Technology Association (CTA)
Covestro
Dupont
Flexible Packaging Association(FPA)
Fluid Sealing Association (FSA)
General Coatings Manufacturing Corp
Gujarat Fluorochemicals
Healthcare Institute of New Jersey
Household & Commercial Products Association (HCPA)
Holcim
Huntsman
Hydraulic Institute
ICP Group
IDI Distributors
INDA- Association of the Nonwoven Fabric

Industry
ITI
Johns Manville
Juvenile Products Manufacturers Association (JMPA)
Millipore Sigma
Motorcycle Industry Council (MIC)
National Association of Chemical Distributors (NACD)
National Council of Textile Organizations
National Electrical Manufacturers Association (NEMA)
National Marine Manufacturers Association (NMMA)
Natural Polymers, LLC
New Jersey Business and Industry Association(NJ BIA)
New Jersey State Chamber of Commerce
New Jersey Food Council
New Jersey Retail Merchants Association
NCFI Polyurethanes
North American Association of Food Equipment Manufacturers (NAFEM)
Outdoor Power Equipment Institute (OPEI)
Pine Chemicals Association International (PCA)
Plastics Industry Association
Polyisocyanurate Insulation Manufacturers Association (PIMA)
Printing United Alliance
Recreational Off-Highway Vehicle Association (ROHVA)
Responsible Industry for a Sound Environment (RISE)
Rhino Linings
Semiconductor Industry Association (SIA)
SEMI
Specialty Vehicle Institute of America (SVIA)
Solvay
SWD Urethane
The Truck & Engine Manufacturers Association (EMA)
Valve Manufacturers Association (VMA)
Worldwide Cleaning Industry Association (ISSA)