Government and Regulatory Affairs Committee Update

By Phil Mahoney

Since our last newsletter update, the Committee has met in January and February. The main activity for these past 2 months continues to be PFAS as state legislatures are back in session.

As noted in our last session, proposed changes to the U.S. EPA TSCA 8(a)(7) PFAS reporting rule are still pending. The proposed rule includes exemptions for imported articles and sets a de minimis level on reportable PFAS, etc. but it also reduces the actual reporting window to 3 months. FSA and other trade associations signed onto a U.S. CoC that recommended keeping or expanding the 6-month reporting window, noting that the amount of data that must be analyzed by companies is unchanged - even if the updated requirements reduce the amount of data that must be reported.

On the state level, there has been quite a bit of activity from a number of states:

- The Flow Control Coalition (FSA, Valve Manufacturers Association and Hydraulic Institute) is still working on a potential response to New Mexico's PFAS labeling requirement. This bill has a number of issues, the most notable being that it requires labeling of any product containing PFAS, even those that are considered exempt (which includes fluoropolymers) from reporting requirements. FSA did sign onto an ACC letter to the New Mexico governor highlighting these issues.
- FSA signed onto an ACC coalition letter for a PFAS bill in Indiana (IN SB 277), but in what is a rare occurrence, it was to support it. The bill includes a clear definition of PFAS chemicals and prioritizes specific PFAS at the state level with an intent to focus resources on addressing the highest risk PFAS chemicals first.
- FSA also signed onto an ACC coalition letter on Maryland bill SB 686. The bill has familiar elements including reporting on all PFAS sold in the state with fees associated with reporting, with no prioritization of PFAS by hazardous potential. The letter also notes that similar efforts, i.e. those in Maine, have undergone significant changes due to challenges in implementation.
- Minnesota continues to be a focus with its extensive PFAS reporting requirements which are a concern for many. FSA has signed onto an ACC coalition letter to the MPCA commissioner expressing concern about a number of issues with the PRISM reporting PFAS software. An update on requirements of this regulation provided in a webinar by Assent has been distributed to membership as the reporting requirement goes into effect on July 1 of this year. The Flow Control Coalition has also met with the Minnesota Chamber of Commerce to discuss efforts to continue providing industry feedback on the onerous requirements of this regulation.

On the international front, our colleague at the European Sealing Association (ESA), Sandy Van Den Broeck, has been providing regular updates on the ECHA PFAS restriction proposal in the EU. Some updates recently provided by Sandy:

- The next round of SEAC consultations is in March with a 60-day duration. Responses are limited to a specific number of characters depending on the type of question. The final opinion from SEAC is expected by the end of 2026.
- The Fluoropolymers Group of Plastics Europe continues to communicate their on-going efforts and results on the voluntary FPG manufacturing program for EU manufacturing sites.

- The ITRE Committee (Industry, Research and Entergy) of the European Parliament issued a report that concluded that fluoropolymers are 'essential enablers of EU industrial competitiveness and strategic autonomy', noting that 'substitutions assumptions are not realistic' and that 'timelines do not reflect industrial, safety or innovation realities.' That is a positive development that the ESA will continue to monitor.

Lastly, the Committee continues to monitor other regulatory issues such as Hexavalent Chromium and Methane Emissions regulations, with no recent major developments. A future discussion at our next meeting will be on U.S. EPR (Extended Producer Responsibility) regulations which are becoming more active the state level as seen at the monthly ACC meetings.

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