

June 3, 2024

The Honorable Greg Vitali
Chairman
PA House Committee on Environmental
Resources and Energy
30 East Wing
Harrisburg, PA 17120-2166

The Honorable Martin Causer
Republican Chairman
PA House Committee on Environmental
Resources and Energy
47 East Wing
Harrisburg, PA 17120-2067

**Re: PA House Committee on Environmental Resources and Energy hearing on
House Bill 2238 concerning the use of PFAS in certain consumer products**

Dear Chairmen Vitali and Causer:

I write on behalf of the Pennsylvania Chamber of Business and Industry, the largest, broad-based business advocacy association in Pennsylvania. We represent employers of all sizes, crossing all industry sectors throughout the Commonwealth, and we appreciate the opportunity to offer comments regarding H.B. 2238.

The term “PFAS,” or per- and polyfluoroalkyl substances, refers to thousands of diverse chemistries that are necessary to producing a wide of range of products we use in practically every aspect of our lives. They add strength and durability, and important qualities like the ability to retain heat and repel water, which are often essential components to manufacturers serving numerous key industry sectors: from transportation and renewable energy to healthcare and agriculture, to law enforcement and national defense.

H.B. 2238 would impose a sweeping prohibition on the use of PFAS in the production of a broad range of consumer products. We do not doubt advocates’ positive intentions; however, we have serious concerns with a number of specific details within the bill, as well as the overall approach proposed in H.B. 2238.

We urge committee members to question and consider specific provisions in H.B. 2238 that have prompted concerns from employers. For example, the current definition of PFAS in the bill is extremely broad and could inadvertently cover a much wider range of chemicals, including many that are generally recognized as safe. Additionally, the bill refers to PFAS that are “intentionally added” but uses vague language to define this term that would be open to broad interpretation, potentially applying the prohibition to countless products that may not have been contemplated by bill advocates. Other concerns have been raised with administratively challenging compliance and reporting requirements; as well as the ability of DEP to enforce the law.

We further urge committee members to consider the interaction between this legislation and federal initiatives, and the impact this legislation could have on Pennsylvania’s economy. For example, the federal government recently issued drinking water standards related to PFAS and have spent billions of dollars in recent years to address contamination from PFOA and PFOS, chemistries that were phased out by industry years ago but remain an area of concern. We understand lawmakers are

anxious to act, but suggest that the federal government is better positioned to set standards that have potential to significantly impact the economy, workforce and interstate and international commerce. A state-specific approach could discourage investment in the Commonwealth and actually force existing PA employers to leave Pennsylvania for other states, taking good jobs and economic activity with them.

The PA Chamber's member-driven, Board-approved Environmental policy position statement notes that environmental excellence and economic growth are mutually-compatible objectives, and that environmental and natural resources laws and programs should be framed and implemented to concurrently meet these twin objectives. The PA Chamber advocates for environmental laws, regulations and policies that are based on sound science and a careful assessment of environmental objectives, risks, alternatives, costs, and economic and other impacts.

H.B. 2238 as currently drafted is not consistent with these principles and we therefore urge committee members to carefully consider the impacts of this bill and work with all stakeholders as public policy is developed.

Thank you for considering our views on this important matter.

Sincerely,

A handwritten signature in black ink that reads "Alex J. Halper". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Alex Halper
Senior Vice President, Government Affairs

cc: Honorable Members of the PA House Committee on Environmental Resources and Energy