



Maine Forest Products Council

The voice of Maine's forest economy

Companies represented on the MFPC Board

American Forest Mgmt.
Baskahegan Co.
BBC Lands LLC
Cross Insurance
Family Forestry
Farm Credit East
Fontaine Inc.
Hancock Lumber
H.C. Haynes
Huber Resources
Innovative Natural
Resource Solutions
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Key Bank
LandVest Inc.
Limington Lumber
Louisiana Pacific
Maibec Logging
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Pingree Associates
Pleasant River Lumber
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Southern Maine Forestry
Stead Timberlands
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Wadsworth Woodlands
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Wagner Forest Mgt.
Weyerhaeuser

Testimony in Opposition to LD 1433 An Act to Protect the Environment and Public Health by Further Reducing Toxic Chemicals in Packaging.

April 17, 2019

Patrick Strauch, Executive Director

Senator Carson, Representative Tucker and distinguished members of the Environment and Natural Resources Committee, I am Patrick Strauch, executive director of the Maine Forest Products Council (MFPC). Since 1961, MFPC has represented the broad spectrum of our state's diverse forest products community, including logging contractors, sawmills, pulp and paper mills, biomass energy facilities, pellet manufacturers, furniture manufacturers, and the owners of more than eight million acres of commercial forestland.

We appreciate Rep. Fay bringing this legislation forward and acknowledge her willingness to discuss amendments to address the issues our mills would face. But we are opposed to the ways that LD 1433 would regulate use of perfluoroalkyl and polyfluoroalkyl substances (PFAS) because:

- a. We have mills using short-chain PFAS and there needs to be an important discussion before we establish a blanket ban on this broad category of substances.
- b. On March 6, Gov. Janet Mills announced the creation of a task force to study PFAS contamination in Maine,¹
- c. It is unreasonable to treat all PFAS the same regardless of their toxicity, and regardless of concentration in the package, and
- d. The decisions we make as a state demonstrate our willingness to support forest manufacturing opportunities and jobs while preserving public health.

As executive director of the Council, I represent an industry with about 15,000 direct jobs and an additional 19,000 indirect jobs² in the forest sector, mostly in the rural areas of Maine. Our businesses are built around a sustainably managed forest resource, which needs healthy markets for wood products. About 64 percent of Maine's forest economy is dependent upon strong pulp and paper markets.³

¹ <https://www.maine.gov/governor/mills/news/governor-mills-signs-executive-order-establishing-task-force-charged-studying-effects-pfas>

² Economic contribution of Maine's forest products industry 2014 and 2016 (estimated), Jams L. Anderson III and Dr. Mindy Crandall, School of Forest Resources, University of Maine, June 30, 2016.

³ Ibid

It was only a few years ago that the headlines were about six paper mills closing in Maine with the loss of about 2,400 direct jobs from 2012 to 2017.⁴ Since then, we've been working to attract capital investment back to Maine with the FOR/Maine project and we are succeeding. We have five active mills in Maine and the Old Town is being restarted, returning wood markets and jobs.

We are diversifying into the very carbon-positive products that this committee values, such as box board, tissue and packaging. Food grade packaging is an exciting and growing frontier for our mills, including the ability to make products that are greaseproof and waterproof. There is ongoing research into bio-based coatings to accomplish this characteristic, but C6 compounds are part of the formula of many of the coatings that are currently used.

Environmental protections are the standard in the products made by Maine mills

A decade ago, this industry recognized the dangers of long chain PFAS and discontinued use of long chain (C8) varieties. Current use is focused on modern, FDA-approved "short-chain" PFAS. The FDA has stated that it has "carefully reviewed the available science" on the short-chain chemicals and has not identified any safety concerns.

PFAS provide grease resistant and waterproof characteristics used in a growing list of packaging applications, such as popcorn bags, sandwich wraps and coffee bags and other longer-term storage applications. These are the products that can replace plastic wraps and containers, an important topic of discussion within this committee.

We support continued research on the safety of PFAS, but we need to have more discussion through the PFAS Task Force to better define risks and identify issues. Some organizations are using the fear factor to push this legislation, establishing an environment of civil discourse is a better approach to resolve this issue.

Manufacturing in a state that competes in global markets

What happens when a state bans a manufacturing ingredient that is marketed with federal approval throughout the country and abroad? It undermines the competitiveness of a product and affects jobs. It also creates supply chain challenges for customers trying to determine if the product is legally available. Customers will be assessing liabilities and purchase products from states with a more progressive approach.

Maine's forest products companies generally look to other northern tier states to evaluate our competitiveness for similar wood manufactured products. For example, Minnesota currently has a similar bill before its Legislature, but it also is considering a bill requesting the University of Minnesota to conduct a review of the issues. In 2018, the Washington State Legislature took action to restrict some uses of PFAS. One law restricts PFAS in paper food wrappers in 2022, if safer alternatives are available ([ESHB 2658](#)).

There are important questions that must be resolved before LD 1433 or any similar legislation becomes law. For example, this bill ignores the expertise of the FDA, including its designation that a chemical or substance added to food is considered safe by experts, Generally Recognized as Safe (GRAS) and the Inventory of Effective Food Contact Substance (FCS) Notifications, a database that lists effective premarket notifications for food contact substances that have been demonstrated to be safe for their intended use. Can we do a better job than the current system given the resource and expertise demanded by the DEP?

⁴ Forest Products Cluster percent of total private sector industries, Data from Maine Department of Labor Center for Workforce Research and Information. Compiled 5-23-2018.

Another concern is the likelihood of great disruption in the supply chain and national sales to customers.

The legislation picks up on the “safer alternatives” of the Toxic Chemicals in Children’s Products law⁵ that reduces harm, *or* which is “not shown to pose the same of greater risk.” This standard allows use of chemicals for which there is *less data* and allows for the possibility of a switch to alternatives that could quickly be determined to pose a higher risk.

The movement by concerned activists has been to insist regulators treat all compounds the same, but states such as Vermont and Massachusetts have rejected this characterization. The EPA also has refused to lump all compounds together.

We appreciate the intention of the \$1 billion exemption to the ban, but this determination is complicated and will require legal interpretations on accounting and corporate entity principles, which would create uncertainty. This corporate size classification is not a food safety principle recognized by the FDA and is therefore uncertain.

SUMMARY

The Maine Forest Products Council supports the Governor’s Task Force to review the prevalence of PFAS in Maine and put forward a plan to address it. We prefer a collaborative, fact-finding approach rather than mandated regulations, which would disrupt the opportunities for capital investment in a more diversified and green economy. The last thing we want to see is investment that could help Maine’s rural communities redirected to facilities in other states.

The task force can conduct investigations and determine a Maine-based solution that demonstrates support for important industry jobs and for public health interests.

We urge you to vote ought not to pass on LD 1433. Thank you for your consideration.

⁵ <http://www.mainelegislature.org/legis/statutes/38/title38ch16-Dsec0.html>