



June 3, 2024

Pennsylvania House of Representatives
Committee on Environmental Resources and Energy
Representative Greg Vitali, Chair
501 N 3rd Street
Harrisburg, PA 17120

Re: Requested Amendments to HB 2238 “Intentionally Added” Definition

Dear Chair Vitali and members of the Committee on Environmental Resources and Energy:

The Juvenile Products Manufacturers Association (JPMA) is writing to oppose HB 2238, that bans PFAS in juvenile products and several others, unless the bill is significantly amended to address necessary consistency with other states. While JPMA members **are not intentionally-adding PFAS** to their products, HB 2238 would specifically prohibit the presence of PFAS chemicals in juvenile products, without a consistent definition of “intentionally-added” and provision for real-world production and use of a product.

The Juvenile Products Manufacturers Association is a national not-for-profit trade organization representing 95% of the prenatal to preschool industry including the producers, importers, or distributors of a broad range of childcare articles that provides protection to infants and assistance to their caregivers. JPMA collaborates with government officials, consumer groups, and industry leaders on programs to educate consumers on the safe selection and use of juvenile products.

Our comments on this bill are grounded in the juvenile products industry’s commitment to the safety of children and caregivers. This commitment to safety goes down to the level of chemicals that are present in children’s products.

Safety Remains the Juvenile Products Industry’s Priority

In addition to meeting stringent internal product safety requirements, juvenile products sold in the U.S. must also comply with numerous federal and state safety and environmental requirements under a variety of laws and regulations including:

- [The Consumer Product Safety Improvement Act \(CPSIA\).](#)
- [The Federal Hazardous Substances Act \(FHSA\).](#)
- [The Toxic Substances Control Act \(TSCA\),](#) and
- [The Lautenberg Chemical Safety Act \(LCSA\)](#) signed into law in 2016.

Under this network of requirements, it is illegal to sell juvenile or children’s products containing various substances known to be harmful to children and to which children might be exposed.

JUVENILE PRODUCTS MANUFACTURERS ASSOCIATION, INC.

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Necessary Amendments to HB 2238

As discussed above, it is critical if HB 2238 moves forward, that it be consistent with other states and with California [Assembly Bill 652](#). While we understand the goals of this legislation, the following three issues must be addressed, for companies to be able to effectively comply with this law and to ensure some consistency with other laws.

1. **Intentionally-Added Definition:** Multiple states have now passed bills addressing PFAS in consumer products, including juvenile products. California, Maine, Minnesota, and Colorado have laws on the books and Vermont and Connecticut have passed laws this session. As more states address this issue, we urge the Committee to align the definition of “intentionally added” with these existing state laws covering PFAS in consumer products. We are specifically concerned with this language in the definition of “intentionally added” and believe it must be struck from HB 2238:

(2) A PFAS chemical that is used or produced during the manufacture or processing of a product and introduced into or onto the product. The term includes any source of a PFAS chemical that is reasonably known to be present, including the use of a processing agent, a mold release agent or fluorination.

JPMA members have strict processes to ensure that they do not intentionally add PFAS to their products; however, the vague expanded language above in the definition of intentionally added, as used in HB 2238 would encompass almost any product made using modern manufacturing equipment. This language is open-ended, the terms used are not defined, and as a result, the bill could be interpreted to encompass trace contamination from manufacturing components such as lubricants and gaskets, which are critical to the safe operation of manufacturing lines. It is essential that this issue be addressed in a clear and consistent manner with other states, and which can be implemented by companies working to comply with the ban and the letter of the law.

Suggested Language from Minnesota – CONSISTENT with other states:

"Intentionally added" means PFAS deliberately added during the manufacture of a product where the continued presence of PFAS is desired in the final product or one of the product's components to perform a specific function.

2. **Thresholds:** The absence of a specific threshold within the definition of PFAS is especially concerning for JPMA and its members. The phrase “contains intentionally added PFAS” is vague and requires clarification to ensure proper compliance. **The definition of PFAS chemicals should include a threshold of at or above 100 parts per million, which would target products with intentionally added PFAS chemicals and align with existing laws in other states.** This approach is intended to avoid situations where the PFAS in the product is the result of trace contaminations

that may occur in the manufacturing process, in the supply chain or during sample testing. Omitting thresholds greatly increases the probability that even products designed without any intentionally-added PFAS would be subject to the prohibition. Therefore, a specific threshold outlined in the definition of PFAS chemicals is necessary for our members to effectively comply with this law.

3. **Inaccessible Components:** We urge the Committee to keep this legislation consistent with other chemicals laws and **exempt inaccessible components for juvenile products**. Any legislation addressing PFAS chemicals should include a clear exemption for inaccessible components of products. Internal components, such as inaccessible electronic components (which may contain thousands of subcomponents and elements) are specifically designed never to come into contact with a child. This is a high standard that considers the real-world use of the product. Other states including Washington, Maine, California and Vermont have exempted inaccessible components from similar laws.
4. **Date of Manufacture:** In addition to consistency with California AB 652, another issue that must be addressed, is the issue of products currently on the marketplace and in supply-chains. This challenge is being seen, right now, as California AB 652, bans the sale of juvenile products as of July of 2023, but products manufactured prior to that date, might be in supply-chains for a period of several months or even years, in some cases. **We urge the Committee to amend HB 2238 to only enact a ban on PFAS in juvenile products, manufactured after January 1, 2027.**

Conclusion

Product safety is the top priority for JPMA and our members and we understand and support preventing exposure to dangerous chemicals. We appreciate the opportunity to discuss HB 2238 and express our concerns with the bill as currently drafted and offer needed amendments. Thank you for your consideration in this important matter and we would be happy to answer any questions or our suggestions for amendments.

Respectfully Submitted,



Lisa Trofe, CAE
Executive Director