



June 3, 2024

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

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

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

The Center for Baby and Adult Hygiene Products (BAHP) represents manufacturers of absorbent hygiene products in North America such as menstrual products, disposable diapers, and companies that supply materials for those products. Our members represent over 85% of the market for personal hygiene products in North America.

As the Committee considers HB 2238 on PFAS in Consumer Products, BAHP appreciates the opportunity to offer comments. We want to be clear that BAHP members are NOT intentionally adding PFAS to their products and take the safety of consumers as our utmost priority.

Multiple states have now passed bills addressing PFAS in consumer products, including BAHP product categories such as menstrual products and diapers. 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” in 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.

BAHP 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.

Additionally, uniformity of key provisions in laws governing product ingredients or labeling is vital to interstate commerce on essential consumer goods. Menstrual products and most other consumer products sold in the United States are distributed across the country and often Canada as well. 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.¹

Thank you for your attention to our comments and we look forward to further engagement on this matter. Should you have any questions, please contact us at info@bahp.com.

Respectfully submitted,

Eric Stewart
Executive Director

¹ MN Products Containing PFAS, Acts of 2023, Sec. 21. [116.943]
<https://www.revisor.mn.gov/laws/2023/0/Session+Law/Chapter/60/>