

March 13, 2025

The Honorable John Lively, Chair
House Committee On Climate, Energy, and Environment
Oregon State Capitol
900 Court St. NE
Salem, OR 97301

RE: HB 3512 (Neron): PFAS – Oppose Unless Amended

Chair Lively, Vice-Chairs Gamba & Levy, and Members of the House Committee On Climate, Energy, and Environment:

On behalf of the Household and Commercial Products Association (HCPA)¹, I am writing to express our concerns regarding HB 3512 (as introduced on Feb. 6), which proposes restrictions on products containing intentionally added per- and polyfluoroalkyl substances (PFAS). While we appreciate the intention behind the bill, we believe there are critical changes necessary to ensure effective regulations of PFAS.

We share the goal of moving away from perfluoroalkyl and polyfluoroalkyl substances (PFAS) that are known to be persistent, bioaccumulative, and toxic, and where they are still used, the industry is working to innovate and reformulate away from them. We support the responsible management of fluorinated substances, with a focus on regulatory requirements that safeguard both human health and the environment.

Clarification on “Intentionally Added” Needed

The definition of "intentionally added PFAS" in the bill presents concerns related to PFAS introduced during manufacturing or processing. This provision blurs the line between intentional additions and incidental impurities, causing confusion and inconsistency. The provision could be interpreted to include impurities as intentionally added. For example, we know PFAS can be present in municipal water supplies or in post-consumer recycled content for packaging. HCPA urges you to clarify the definition of intentionally added to ensure anyone complying with the law are not inadvertently captured by an ambiguous definition.

Transparent and Reliable Testing Mechanism

The science of PFAS testing continues to evolve. In late 2022, multiple news sources reported

¹ As North America’s premier household and commercial products trade association, HCPA represents the interests of entities engaged in the manufacture, formulation, and distribution of trusted and familiar supplies that help our communities create a cleaner and healthier environment. Products that HCPA represents include, but are not limited to, disinfectants that are designed for use against germs and human pathogens in homes and institutional settings; pest management products in homes as well as for lawns and gardens; cleaning products to keep homes and businesses clean and safe from viruses; polishes; aerosol products; and a host of other everyday consumer products.

that a series of insecticides were found to have “screamingly high” levels of PFAS based on results published by Texas researchers. The US Environmental Protection Agency (EPA) conducted its own testing in response to the study and an EPA report later released demonstrated there was no detectable PFAS in the pesticides, and the testing conducted in the initial study was not scientifically sound.

This is one important reason to ensure testing used to bring enforcement action against a manufacturer is scientifically valid and clear. For example, some testing requirements recently have turned to the use of total organic fluorine (TOF). While TOF can serve as an initial screening test, TOF testing is qualitative, not quantitative, and limited information can be obtained from this method that is not sufficient for enforcement. For cleaning products in particular, there is no standardized and reliable testing, putting manufacturers at risk of suspected non-compliance even if PFAS is not present. For these reasons, we strongly recommend the establishment of transparent, unambiguous, standardized, and scientifically sound testing protocols to ensure compliance.

New Innovations Unnecessarily Impacted

A single-class approach to regulation leads to unjustified or unintended product restrictions. For example, HCPA represents the aerosol industry, as this is a common delivery form for many household and commercial products. Aerosol propellants are highly regulated by state and federal governments, and producers have gone to great lengths in recent years to manufacture and innovate more environmentally preferable products, especially reducing global warming potential (GWP). Compounds such as hydrofluoroolefins (HFOs) and hydrofluorocarbons (HFCs) consist of hydrogen, fluorine and carbon, but are not persistent, bioaccumulative, or toxic. Some of these technologies play an important role in addressing Oregon’s climate goals. Unfortunately, because these technologies have a fully fluorinated carbon, these propellants and solvents would be captured by the bill’s definition of PFAS as currently proposed.

Responsible Disposal Consideration

Currently, the bill does not contemplate existing products in the market after the bill takes effect. We respectfully request the requirement apply to products *manufactured* on or after the effective date to ensure supply chains can be cleared and manufacturers aren’t liable for sales activity outside of their control. This would further avoid mass disposal of existing products and reduce the amount of waste generated in the state.

In conclusion, HCPA urges your consideration of these concerns and structural amendments to HB 3512 to ensure effective regulation of PFAS-containing products in Oregon. We remain committed to working collaboratively to achieve our shared goals of environmental protection and public health.

Sincerely,



Christopher Finarelli

Sr. Director, State Government Relations & Public Policy