



March 13, 2025

Oregon State Legislature
House Committee on Climate, Energy, and Environment
Representative John Lively, Chair
900 Court Street, NE
Salem, Oregon 97301

Re: Comments on HB 3512 Relating to PFAS

Dear Chair Lively and members of the House Committee on Climate, Energy, and Environment:

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 incontinence garments and pads and companies that supply materials for those essential everyday products. Our members represent over 85% of the market for absorbent personal hygiene products in North America.

As the Committee considers HB 3512, 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. However, to ensure that manufacturers can comply with the letter of the law, we urge the Committee to reconsider key aspects of HB 3512 including the definition of intentionally added, enforcement provisions and the certificate of compliance requirement.

Definition of Intentionally Added

Multiple states including Maine, Minnesota, Colorado, Vermont, and Connecticut have passed bills addressing PFAS in consumer products, including BAHP product categories such as menstrual products and diapers. As such, we urge the Committee to align the definition of “intentionally added” with these existing state laws covering PFAS in consumer products. The following definition would align the language with existing state laws:

Suggested Language from Colorado (Ch.338 HB 22-1345) – CONSISTENT with other states:

“Intentionally added PFAS chemicals” means PFAS chemicals that a manufacturer has intentionally added to a product and that have a functional or technical effect on the product.

“Intentionally added PFAS chemicals” includes PFAS chemicals that are intentional breakdown products or an added chemical.¹

¹ https://leg.colorado.gov/sites/default/files/documents/2022A/bills/sl/2022a_sl_338.pdf



BAHP members have strict processes to ensure they do not intentionally add PFAS to their products. However, where key definitions are open-ended and the terms used are not defined, 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.

We are similarly concerned with other enforcement-related provisions of the bill, including the investigative demand process in Section (3), the potential for injunctive relief in Section 4(1), and the rebuttable presumption in Section 4(3) that the presence of any amount of total fluorine in a covered product indicates that it contains intentionally added PFAS. The presence of total fluorine in a product does not mean it has been intentionally added, but it is not clear what would be sufficient to overcome the presumption. Particularly without any stated threshold, this section fails to acknowledge the potential for trace contaminations from naturally occurring ingredients or manufacturing lines. The presumption is especially concerning given the broad ability of the Attorney General to institute an investigative demand (in addition to instituting a civil action), and the potential for injunctive relief. In short, manufacturers could be required to pull product from shelves on the basis of an unfounded presumption of PFAS presence in their products.

Certificate of Compliance

Section 2 of HB 3512 requires manufacturers to submit a certificate of compliance to the retailer stating that the covered product does not contain any intentionally added PFAS. This section imposes broad and unclear requirements on manufacturers without sufficient direction to enable compliance.

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