

March 13, 2025

TO: House Committee on Climate, Energy and Environment

FR: Sharla Moffett, Oregon Business & Industry

RE: HB 3107

Chair Lively and Members of the Committee:

For the record, my name is Sharla Moffett, senior policy director for Oregon Business & Industry (OBI).

OBI is a statewide association representing businesses from a wide variety of industries and from each of Oregon's 36 counties. In addition to being the statewide chamber of commerce, OBI is the state affiliate for the National Association of Manufacturers and the National Retail Federation. Our 1,600 member companies, more than 80% of which are small businesses, employ more than 250,000 Oregonians.

OBI supports responsible regulation of chemicals to protect public health and the environment. However, HB 3512 takes a poorly-defined and overly-broad approach to PFAS regulation that would be unworkable, inconsistent with other state and federal efforts, and harmful to Oregon's economy and consumers.

OBI opposes HB 3512 in its current form and we believe it needs *significantly* more work before moving forward.

Unfortunately, I cannot speak to the -1 amendment because it has yet to be posted.

First, the bill defines PFAS so broadly that it fails to differentiate between substances with very different chemical properties, exposure risks and uses. PFAS includes a wide range of compounds—some harmful, some essential, and some with no realistic exposure pathway at all. By ignoring these distinctions, HB 3512 threatens the availability of critical products, from medical devices to refrigeration systems.

Second, the compliance framework is unrealistic. The requirement for manufacturers to certify that products contain no intentionally added PFAS, without a de minimis threshold, sets an impossible standard. Given the complexity of supply chains and the risk of trace cross-contamination, businesses could be forced out of compliance simply due to background levels beyond their control. The bill would discourage utilizing recycled feedstocks for new products because there is no allowance for trace amounts that are beyond a manufacturer's control. The certification requirements are burdensome and pose challenges for compliance. These should be simplified to make certification requirements workable.

Third, the bill's enforcement provisions are unnecessarily punitive. The presumption that any detectable fluorine equates to intentionally added PFAS is scientifically flawed and could lead to unjust penalties, product recalls, and market disruption. Additionally, this approach is out of sync with states like California as well as federal regulatory standards.

Finally, the 2027 implementation timeline presents significant challenges. Oregon businesses operate in national and global markets, and compliance with such an expansive law will require years of supply chain adjustments. Other states have taken a more measured, phased approach, and Oregon should follow suit rather than imposing abrupt and disruptive requirements, many of which are not within the control of the businesses that would be subject to the regulation.

We believe that we can find a better, more workable solution that addresses PFAS concerns without placing businesses in an untenable compliance situation, but HB 3512 misses the mark.

OBI urges the committee to oppose HB 3512.

Thank you.

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