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February 2, 2026

The Honorable John Lawn, Jr.
House Chair
Joint Committee on Health Care Financing
Massachusetts State House - Room 236
Boston, MA 02133

The Honorable Cindy Friedman
Senate Chair
Joint Committee on Health Care Financing
Massachusetts State House - Room 313
Boston, MA 02133

RE: Comments of Massachusetts Chemistry & Technology Alliance (MCTA) on HB4870 - *An Act to Protect Massachusetts Public Health from PFAS*

Dear Chair Lawn, Chair Friedman, and Members of the Joint Committee on Health Care Financing:

On behalf of our members, the Massachusetts Chemistry & Technology Alliance (MCTA) would like to make the following comments relative to HB4870 - *An Act to Protect Massachusetts Public Health from PFAS* which is currently in your committee.

MCTA is the professional organization representing manufacturers, users, and distributors of chemistry in the Commonwealth. Our membership ranges from small, multi-generational family-owned businesses operating with a handful of employees to large global companies employing thousands. More than 96% of all manufactured goods – including solar panels, turbine blades, energy efficiency products, microelectronics, and pharmaceutical devices – are touched by chemistry.

PFAS, or per-and polyfluoroalkyl substances, are essential ingredients in the state's climate-tech, health care, construction, electronics, and pharmaceutical industries. PFAS chemistries provide products with strength, durability, stability, and resilience that keep pacemakers from corroding, car brakes from slipping, and asthma inhalers from clotting.

MCTA does not oppose the basic intent of HB4870 – banning the use of certain PFAS in food packaging, personal care products, and consumer goods. In fact, we expressed only minor concerns relative to the original bill (HB2450) heard at the Joint Committee on Public Health earlier in the session.

However, the Joint Committee on Public Health made several significant modifications to the original bill before discharging it to your committee, undoing many of the changes that industry had requested for clarity and ease of implementation - none of which impacted the intent of the bill.

Most of MCTA's concerns relative to HB4870 are in Section 5U of SECTION 5 (beginning at Line 232). For instance:

Exemptions are more restrictive - (Section 5U(c)(4)): HB4870 limits exemptions of consumer product bans to: *(1) the sale or reuse of used consumer products or product components; (2) a product for which federal law governs the presence PFAS – in a manner that preempts state authority; A prescription drug or medical devices; or the packaging associated with items specified.* Deleted, however, are earlier exemptions for products designated by the USEPA's Significant New Alternative Policy (SNAP) and there are no exemptions for clean tech products or the electronics industry, both key pillars to the Commonwealth's economic agenda.

Responsibilities of the Toxics Use Reduction Institute (TURI) - (Sections 5U(d)(1) and 5U(d)(2)): HB4870 requires TURI to prepare a study of significant PFAS uses in consumer products (and product categories) not already subject to the ban within 4 years of the bill's enactment and every three years thereafter. These studies would form the basis of new regulations promulgated by the Department of Public Health (DPH), in consultation with the Department of Environmental Protection (DEP).

MCTA has several concerns with this modified section:

Studies such as these are beyond the scope of TURI: The role of TURI is to provide technical assistance to help companies reduce their use of toxics, not to ban products or restrict their use. This new role would upend decades of cooperation between TURI and business groups and put TURI in an adversarial position with industry.

TURI does not have the resources for these studies: TURI simply does not have the staff or funding to take on additional work. Revenues for the TURA program - which comes from industry fees and funds TURI - are already declining rapidly due to less chemical usage and companies exiting Massachusetts. The program is currently supported by only about 400 companies in Massachusetts. In addition, HB4870 reduces the frequency of the studies after the first to 3 years from 7 years – leaving inadequate time to research and understand these complex studies.

The regulatory process does not allow sufficient time for industry input: HB4870 *requires* DPH to adopt regulations after the TURI studies are complete. Given the shortened time period for studies, there will be a constant change in regulations every few years, leaving industry to deal with a very uncertain regulatory environment.

“Unavoidable Use” exemption shortened - (Section 5U(c)(1)): The exemptions are now only valid for 4 years - down from 6 years - far too short for companies to redesign and test their products and retrofit their operations. In previous comments MCTA and other industry groups had suggested an exemption period of at least 10 years.

Public Reporting of Products containing PFAS - (Section 5U(f)(2)): Manufacturers of PFAS or priority products (or other newly added products by DPH) sold in Massachusetts still need to register the name/type of product products on a publicly accessible database. But HB4870 now requires the registration to include the *“specific names of all PFAS compounds in the priority consumer product or product component containing intentionally added PFAS and the Chemical Abstracts Service Registry Number, also known as a “CAS Registry Number” or “CAS RN,” of each PFAS compound; and the amount of the consumer product or the product component or the numbers of consumer products or product components sold, delivered or imported into the state”*.

This provision is neither realistic nor compatible with reporting provision in other states or the European Union (EU). These disclosures will include virtually all known uses of PFAS, many of which have no direct consumer exposure and will encompass thousands of products. This exercise will be time consuming and will yield little in the way of benefit. In fact, many affected out-of-state companies are not likely to comply, resulting in futile enforcement actions for Massachusetts.

Definition of PFAS - (Section 5U(a)): HB4870 defines PFAS as: *A class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom*. By including compounds containing one fluorinated carbon atom or more, the definition is not only inconsistent with other federal and state regulations (including those developed by the U.S. Environmental Protection Agency (EPA) and the Massachusetts Toxic Use Reduction Act (TURA), it also unnecessarily captures products used in climatech, biotech, and pharmaceuticals.

Definition of “Intentionally Added” – (Section 5U(a)): The definition of “Intentionally Added” includes PFAS precursors such as *“a processing agent, mold release agent, or the creation of PFAS via chemical reactions.”* This section incorrectly assumes that a manufacturer, user, or producer of a PFAS containing material or component will have access to that information from OSHA’s Material Safety Data Sheets (SDS) that accompany the product. However, consumer products and precursors are not regulated under the OSHA standard.

MCTA understands the impact of certain PFAS on public health and the environment and supports legislation that addresses this important issue. But parts of HB4870 go beyond this intent and would significantly impact businesses in the Commonwealth, impose unrealistic and unachievable mandates and timeliness and – through creating three separate entities funded by industry – add considerable cost to manufacturing in Massachusetts. All while accomplishing little in the way of additional protection from PFAS.

New Jersey recently enacted a PFAS law which focuses on many of the same products and issues as HB4870 but addresses some of the concerns of the business community in a way that would ease regulatory burdens without compromising the intent of the law. The new law can be found [here](#). We urge the committee to review the New Jersey version as it considers changes to HB4870. We are happy to meet with you further or bring in outside experts to discuss the New Jersey law.

Thank you for your consideration of the concerns raised by MCTA and our members. If you have any questions, please do not hesitate to contact me at 508-572-9113 or via email at katherine@masscta.org.

Respectfully,

A handwritten signature in blue ink, appearing to read "Kathy Robertson", with a stylized flourish at the end.

Katherine Robertson
Executive Director
Massachusetts Chemistry & Technology Alliance

cc: Representative Kate Hogan