



October 25, 2024

*Submitted via email*

Matt Chapman  
Vermont Department of Environmental Conservation  
Davis Building - 3rd Floor  
One National Life Drive  
Montpelier, VT 05620-3520  
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**RE: Act 131 Proposed Legislation Version 3.1, Phase Out of PFAS Added Consumer Products**

Dear Director Chapman:

The Alliance for Automotive Innovation (Auto Innovators)<sup>1</sup> appreciates the opportunity to provide comments on the proposed legislation regarding the Phase Out of PFAS Added Consumer Products.

We appreciate the spirit of the bill and its focus on consumer products. Auto Innovators specifically writes to provide our support for the draft legislation's exclusion of "complex durable goods" from the definition of "consumer products" for the purposes of this legislation; as explained in the Draft Report, that provision would exclude of "things like aircraft, cars, and many electronic devices." As we have previously testified to the legislature, PFAS are integral to the construction of today's modern vehicle. The PFAS family of chemicals has helped ensure durability and safety through the application of coatings and products that resist heat, oil, grease, and water. Nearly every automotive system in every automobile depends on some type of PFAS chemical to provide a durable, reliable, safer, and cleaner product to consumers. Therefore, the proposed exclusion of "complex durable goods" like vehicles will ensure that cars and trucks can be sold into and serviced in Vermont. We agree with the justifications for this exclusion laid out by the DEC in its accompanying memorandum.

We do recommend two modifications to the draft legislation.

First, the definition of "complex durable goods" should be revised as follows:

"Complex durable goods" means a consumer product that is a manufactured good composed of 100 or more manufactured components, with an intended useful life of 5 or more years, where the product is typically not consumed, destroyed, or discarded after a single use, **including its component parts and service items.**

It is critical that, in one way or another, component parts be included in the exclusion for "complex durable goods" from the definition of "consumer products." As discussed above, many vehicle parts

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<sup>1</sup> Auto Innovators represents the full auto industry, including the manufacturers producing most vehicles sold in the U.S., equipment suppliers, battery producers, semiconductor makers, technology companies, and autonomous vehicle developers. Our mission is to work with policymakers to realize a cleaner, safer, and smarter transportation future and to maintain U.S. competitiveness in cutting-edge automotive technology. Representing approximately 5 percent of the country's GDP, responsible for supporting nearly 10 million jobs, and driving \$1 trillion in annual economic activity, the automotive industry is the nation's largest manufacturing sector. [www.autosinnovate.org](http://www.autosinnovate.org).

contain PFAS, and are needed to keep vehicles safe and operational. The trade of vehicle parts is substantial, and they are sometimes sold independently in order to service and repair vehicles in use. The parts of complex durable goods should also be clearly excluded from the definition of “consumer products.”

Second, we recommend that Vermont replace its currently proposed definition of “intentionally added” with the definition used in the Minnesota statute: “‘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.”<sup>2</sup> Consistency across jurisdictions in definitions like these aids in compliance. In addition, this definition for “intentionally added” better aligns with the abilities of manufacturers to track and report PFAS information.

With these revisions, the Alliance for Automotive Innovation would be in support of the draft legislation.

If you have any questions, please feel free to contact me at 202-326-5511 or [cpalin@autosinnovate.org](mailto:cpalin@autosinnovate.org).

Sincerely,



Catherine Palin  
Senior Attorney & Director of Environmental Policy  
Alliance for Automotive Innovation

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<sup>2</sup> Minn. Stat. 116.943, subd. 1(l) (2023), available at <https://www.revisor.mn.gov/statutes/cite/116.943>.