

Maine Takes Lead on PFAS in Food While Easing Product Restrictions

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In January 2025, Maine lawmakers became the first to introduce a bill restricting PFAS levels in food. The proposed bill, SB130, entitled *An Act to Establish the PFAS Response Program and to Modify the Fund to Address PFAS Contamination* (the Act), directs Maine's Department of Agriculture, Conservation and Forestry (DACF) to establish and codify maximum PFAS levels in "farm products." The Act broadly defines "farm products" as "those plants and animals useful to humans," including but not limited to a litany of crops, dairy, livestock and similar products. The Act prohibits the sale of products that exceed these maximum levels, and directs DACF to provide testing support, including initial sampling and ongoing monitoring. Tests may include sampling of groundwater, surface water, soil, animal tissue, blood and serum, plant tissue, animal feed, eggs, milk, manure and compost. The bill is still pending, but if enacted would mark yet another instance in which Maine took the lead with respect to PFAS regulation.

Maine was the first to prohibit the sale of any products containing intentionally added PFAS, unless deemed "unavoidable." But Maine soon learned that its zealous attempt to ban PFAS-containing products had unintended consequences, including economic harm to the State. Accordingly, in April 2024, Maine amended the statute to modify the effective dates of certain sales bans, delay the general ban on the sale of PFAS products from 2030 to 2032, and list categories of products exempt from the PFAS ban entirely, including medical devices and semiconductors. And just this month, Maine Senator Jeffrey Timberlake introduced a bill proposing to exempt certain polymer-coated cookware from the state's PFAS in products law. Specifically, the bill proposes to exclude polymer-coated durable items for which FDA authorizes food contact, from the ban's definition of "cookware products," and to exempt cookware products with direct food contact surfaces containing polytetrafluoroethylene (PTFE), fluorinated ethylene propylene (FEP) and perfluoroalkoxy alkane (PFA). This could foreshadow the narrowing of Maine's broad definition of "farm products" and the scope of any ban on PFAS in food.

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