



## Newly Proposed and Enacted PFAS Laws

Recently, there has been action from several states, as well as the US federal government in regards to per- and polyfluoroalkyl substances (PFAS). Some states have proposed new laws, and others, as well as the US Environmental Protection Agency (EPA), have enacted laws. Below is a brief summary of some of the current movement. Note that this list is not meant to be all inclusive, as many states have additional legislation in the draft and proposed stages in regards to PFAS.

### Background

Per- and polyfluoroalkyl substances (PFAS) are a group of fluorinated chemicals that include PFOA, PFOS, as well as other chemicals. According to the EPA, exposure to PFAS can lead to health issues in humans. Also, EPA studies have found that PFOA and PFOS can cause reproductive and developmental, liver and kidney, and immunological effects in laboratory animals. PFAS chemicals can be used in grease-resistant food containers/wrappers, nonstick cookware, stain resistant coatings used on carpets, upholstery, and other fabrics, as well as water resistant clothing.

### Summary of Current Action

#### **EPA / TSCA:**

- EPA issued a proposed rule to require reporting on PFAS manufactured or imported into the United States in any year since 2011. The proposed rule would help the EPA gain a better understanding of the potential risks of these chemicals. The proposed date for reporting PFAS information to the EPA is one year after the effective date of the final rule, should it become finalized.
- EPA has withdrawn the January 2021 compliance guide which had weakened the July 2020 Significant New Use Rule (SNUR) which prohibited companies from importing certain long-chain PFAS in surface coatings on articles without prior EPA review and approval. Therefore, the January 2021 compliance guide is no longer in effect, however, EPA's July 2020 SNUR continues to be in effect. Articles containing certain long-chain PFAS in surface coatings cannot be imported into the United States without EPA review. Importers of articles, but not processors of articles, are subject to the SNUR.
- On June 3, 2021 the EPA issued a final rule to add additional PFAS to Toxic Release Inventory (TRI) on an annual basis. For TRI Reporting Year 2021, the National Defense Authorization Act (NDAA) automatically added three PFAS to the TRI list, as they are now subject to a SNUR under TSCA. The PFAS additions became effective as of January 1, 2021. Reporting forms for 2021 data on these PFAS will be due to EPA by July 1, 2022.

#### **For more information:**

- <https://www.epa.gov/chemicals-under-tsca/epa-announces-changes-prevent-unsafe-new-pfas-entering-market>
- [https://www.epa.gov/sites/production/files/2021-06/documents/prepubcopy\\_10017-78\\_fr\\_doc\\_esignature\\_2021-06-10.pdf](https://www.epa.gov/sites/production/files/2021-06/documents/prepubcopy_10017-78_fr_doc_esignature_2021-06-10.pdf)
- <https://www.federalregister.gov/documents/2021/06/03/2021-11586/implementing-statutory-addition-of-certain-per--and-polyfluoroalkyl-substances-pfas-to-the-toxics>

## **Vermont**

**Products:** PPE, Class B firefighting foam, food packaging, rugs/carpets, ski wax, and children's products

**Summary:**

- Personal protective equipment: Manufacturers or sellers to provide buyers with a notice statement indicating the presence of PFAS and the reasons for these chemicals being in the product as of July 1, 2021
- Class B firefighting foams: Prohibited as of July 1, 2022
- Residential rugs and carpets: Prohibited as of July 1, 2023
- Aftermarket stain and water-resistant treatments for rugs or carpets: Prohibited as of July 1, 2023
- Ski wax: Prohibited as of July 1, 2023
- Class B firefighting foams for use at a terminal: Prohibited as of January 1, 2024
- Food packaging: Prohibited as of July 1, 2023
- PFHxS, PFHpA, PFNA in children's products: Designated as CHCC (Chemical disclosure program) as of July 1, 2022

**Status:** Governor signed into law on May 18, 2021

For more information: <https://legiscan.com/VT/text/S0020/2021>

## **Maine**

**Products:** Carpets, rugs, fabric treatments, potentially others.

**Summary:**

- Would require manufacturers of products with intentionally added PFAS, to report the presence of those substances in the listed products to the Department of Environmental Protection beginning in 2023.
- Would prohibit the sale of carpets and rugs for residential use, and fabric treatments, which contain intentionally added PFAS beginning in 2023.
- Additional product categories may also be identified by the department and prohibited from sale.

**Status:** Passed House and Senate

For more information: <https://trackbill.com/bill/maine-legislative-document-1503-an-act-to-stop-perfluoroalkyl-and-polyfluoroalkyl-substances-pollution/2094839/>

## **New York**

**Products:** Common Wearing Apparel

**Summary:** Proposed prohibition of the use of PFAS substances in common apparel. If passed, will become effective December 31, 2023.

**Status:** Proposed

For more information: <https://www.nysenate.gov/legislation/bills/2021/S6291>

## **Massachusetts**

**Products:** Child passenger restraints, cookware, fabric treatments, personal care products, rugs and carpets, and upholstered furniture.

**Summary:** Proposed limit of total fluorine (PFAS substances) of 1 ppm. If enacted, will become effective on January 1, 2023.

**Status:** Proposed

For more information: <https://malegislature.gov/Bills/192/H2350/House/Bill/Text>

**For more information:** Previously issued related BVCPS Regulatory Updates.

- Feb. 2021: [The Toxics in Packaging Clearinghouse Publishes Update to Model Legislation](#)
- March 2021: [Washington State Bans PFAS in Four Types of Food Packaging](#)

## **How Does this Impact You? Contact Us to Discuss**

If you have any comments and/or questions, please contact your customer service representative or email: [cps.info@bureauveritas.com](mailto:cps.info@bureauveritas.com)

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