

Amendment to New York's Law Prohibiting PFAS in Apparel and Outdoor Apparel for Severe Wet Conditions



New York State's Governor Hochul signed bill S01322, an amendment to S. 6291-A and A. 7063-A, which prohibits the intentional use of perfluoroalkyl and polyfluoroalkyl substances (PFAS) in wearing apparel.

Summary

As reported in Bureau Veritas Bulletin 23B-004, New York's environmental conservation law was amended with the addition of a prohibition of intentionally added (PFAS) in apparel. At the time of signing the original bill in December 2022, the Governor specified that there were amendments that would need to be made to the law.

Originally, the law was to become effective December 31, 2023. The amendment signed on March 24, 2023 revised the effective date to align with the effective date of California's PFAS in Textiles law, AB 1817.

Therefore, the new effective dates are as follows:

- **Apparel, Outdoor Apparel (excluding apparel for severe wet conditions): January 1, 2025**
- **Outdoor Apparel for severe wet conditions: January 1, 2028**

It should be noted that regulations related to this law have yet to be issued. However, one year after the Department of the Environmental Conservation's (DEC) adoption of the regulations, but no later than January 1, 2027, it will be illegal to sell any apparel products in the state of New York which contain PFAS at or above a level that the DEC will establish in regulation.

Additionally, manufacturers can provide assurance that apparel or outdoor apparel for severe wet conditions is in compliance with the requirements via a certificate of compliance, signed by an authorized official of the manufacturer.

Definitions within the law are as follows:

- **Apparel:** "means clothing items intended for regular wear or formal occasions including, but not limited to, undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, vests, dancewear, suits, saris, scarves, tops, leggings, leisurewear, formal wear, outdoor apparel, onesies, bibs, and diapers. "Apparel" shall not include: professional uniforms that are worn to protect the wearer from health or environmental hazards, including personal protective equipment; or outdoor apparel for severe wet conditions."
- **Outdoor apparel** "means clothing items intended primarily for outdoor activities, including but not limited to, hiking, camping, skiing, climbing, bicycling, and fishing."
- **Outdoor apparel for severe wet conditions:** "means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use."

For full details, please see the following link:

https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S01322&term=2023&Summary=Y&Text=Y

Bureau Veritas Bulletin 23B-004: [New York Governor Signs PFAS Bans in Apparel \(Bill A07063A\) and Carpet \(Bill A09279A\) \(Jan. 2023\)](#)

How Does this Impact You? Contact Us to Discuss

Bureau Veritas can help verify that your products will meet your customer's expectations as well as all applicable regulations. We can help you reduce cost and time-to-market, minimize the risk of recalls and returns, increase sales and customer satisfaction, and eliminate previously unidentified threats to your company's reputation. Our services help to protect both your bottom line and your peace of mind. If you have any questions on these final rules, please contact your customer service representative or email: cps.info@us.bureauveritas.com.

Bureau Veritas Consumer Products Services, Inc. ("BVCPS") provides the information in this client bulletin as a resource of general information. It does not replace any applicable legal or regulatory requirements and is provided "as is." BVCPS will not be liable for any indirect, special, punitive, consequential or other damages (including without limitation lost profits) of any kind in connection with this client bulletin. BVCPS DISCLAIMS ALL REPRESENTATIONS AND WARRANTIES, EXPRESS OR IMPLIED, INCLUDING WITHOUT LIMITATION WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE, IN CONNECTION WITH THIS CLIENT BULLETIN.