



# Recent and Emerging US & State Chemical Laws - 2024



# California - Enacted

## **AB 1817 Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS)**

- ▶ Signed into law in September of 2022
- ▶ Will ban intentionally added PFAS in textile products and unintentionally added PFAS to these thresholds:
  - ▶ 100ppm total organic fluorine starting 1/1/2025
  - ▶ 50ppm total organic fluorine starting 1/1/2027
  - ▶ Exempts apparel for “severe wet conditions” (not marketed to the general population) until 1/1/2028
- ▶ Manufacturers must sign a certificate of compliance for retailers to rely on in good faith
- ▶ **New:** Industry-lead initiative to add a sell-through provision



# Vermont – Advancing

**SB 25 An act relating to regulating cosmetic and menstrual products containing certain chemicals and chemical classes and textiles and athletic turf fields containing perfluoroalkyl and polyfluoroalkyl substances**

- ▶ Has passed the Senate, now in House
- ▶ Will ban intentionally added PFAS in textile products or the presence of unintentionally added PFAS over 100ppm starting 1/1/2026
  - ▶ Textile products include apparel and footwear
- ▶ Manufacturers must sign a certificate of compliance for retailers to rely on in good faith



# Colorado – Advancing

## **SB 24-081 Concerning measures to increase protections from perfluoroalkyl and polyfluoroalkyl chemicals**

- ▶ Signed into law by the Governor!
- ▶ Will require outdoor clothing for severe and wet conditions to be labeled as “made with PFAS chemicals” if it contains intentional PFAS.
- ▶ Bans textile articles and outdoor apparel for severe and set conditions from containing intentionally added PFAS starting 1/1/2028
  - ▶ Textile articles include apparel and footwear



# USA EPA – Enacted

## TSCA Section 8(a)(7) Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl Substances

- ▶ Requires all manufacturers / importers of PFAS or finished articles containing PFAS to report to the EPA
- ▶ Covers January 1<sup>st</sup> 2011 through October 11<sup>th</sup> 2023
- ▶ Reporting is due 18 months from when the final rule was published, which was October 11<sup>th</sup> 2023.
- ▶ Reporting is quite complicated and detailed, but also based on what is “reasonably ascertainable” which can vary based on each company’s size and structure.



# California - Proposed

## **AB 2244 Product safety: Proofs of Purchase: Bisphenols**

- ▶ Will ban Bisphenol A (BPA) in receipts starting 1/1/2025
- ▶ Will ban all bisphenols in receipts starting 1/1/2026
- ▶ Allows exemptions for unintentionally added bisphenols



# California – Finalized

## Proposition 65, inclusion of Bisphenol S

- ▶ OEHHA officially listed Bisphenol S as a chemical known to the state to cause on 12/29/2023
- ▶ Products containing BPS will need to be labeled with a Proposition 65 warning label or face potential lawsuits starting 12/29/2024
- ▶ Note, OEHHA is also looking at limiting the use of the short-form warning label.



# Other Chemical Classes

- ▶ PFAS is (still) the most common right now, but increasing attention on:
  - ▶ Supply chain PFAS (e.g. mold release)
  - ▶ Bisphenols
- ▶ Also increased attention on chemical hazards rather than risks
  - ▶ But mostly the EU for now



