

PFAS and State Legislation

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Who Is NCEL?

- Nationwide network of more than 1,200 legislators from all 50 states and both major parties
- Serves as a connector for legislators to collaborate across the country
- Your remote environmental staff
- Created by and for state legislators
- National, regional, and state forums

NCEL's Program Areas

4 program areas with environmental justice woven through all:

- Climate and Energy
- Conservation
- Oceans
- Environmental Health
 - Focuses on: sustainable agriculture, water quality, zero waste and plastic pollution, and toxic chemical exposure

What are PFAS?

- Per- and polyfluoroalkyl substances
- More than **12,000 identified** by EPA
- Human-made; used widely since 1940s
- Heat, stain, water, and oil resistant
- Colorless, odorless, tasteless
- “Forever chemicals:” do not break down in the environment
- Major sources of exposure: consumer products, food, and drinking water
- Exposure linked to cancer, immune system disruption, reduced fertility, thyroid disease, and liver damage

Defining PFAS as a Class

- PFAS chemicals share a common trait: chains of carbon surrounded by fluorine, making them difficult to break down
- **Nevada [AB 97](#)** (2021) defines PFAS as “a class of fluorinated organic chemicals that contain at least one fully fluorinated carbon atom.”
- Defining PFAS as a class helps avoid regrettable substitutions since there are so many types of PFAS

Microplastics and Nanoplastics

- Microplastics: small plastic pieces less than 5 mm long
 - Primary sources: paint, personal care products, plastic pellets, textiles, vehicle tire dust
 - **California** has adopted a [microplastics strategy](#)
- At least **2 states** (MI, RI) will consider policy in 2024 to restrict intentionally added microplastics in products like cleaners and cosmetics
- Nanoplastics: too small to be identified by human eye; up 1 micrometer and under

PFAS Exposure

- Food, air, and water have become contaminated globally as a result of manufacturing releases and use of PFAS-containing products
- We are exposed to PFAS in food (and food packaging), from indoor air and dust, and in many cases, from drinking water

State Policy Momentum

- **33 states** have introduced **243 policies** to protect people from toxic chemicals
- **28 states** have adopted **139 policies**

(Source: [Safer States](#))

State Policy Outlook for 2024

- New analysis from [Safer States](#) suggests PFAS “forever chemicals” could be banned in more uses than ever in 2024
- Overall at least **35 states** will address the PFAS crisis: AK, AZ, CA, CO, CT, DE, FL, GA, HI, IL, IN, IA, KY, ME, MD, MA, MI, MN, MS, NH, NJ, NM, NY, NC, OK, OR, PA, RI, SC, TN, VT, VA, WA, WV, and WI.

Phasing Out PFAS

- **Maine** [LD 1503](#) (2021) and **Minnesota** [HF 2310](#) (2023) require disclosure of PFAS in all consumer products and ban PFAS in all products unless the use is necessary for public health or the functioning of society and alternatives are currently unavailable.

Firefighting Foam and Gear

- **Twelve states** (CA, CO, CT, HI, IL, ME, MD, MN, NH, NY, VT, and WA) have put in place bans on the sale of firefighting foam containing PFAS.
- **8 states** (CA, CO, IN, MD, NH, NY, VT, and WA) require disclosure on personal protective equipment.
- **3 states** (IL, MD, NY) ban incineration of firefighting foam.

Textiles

- **8 states** (CA, CO, ME, MD, MN, NY, VT, WA) to eliminate PFAS in various textile categories including:
 - Apparel
 - Carpets and rugs
 - Textile treatments
 - Upholstered furniture

Water

- EPA proposed drinking water standards for 6 PFAS chemicals
- **10 states** (ME, MA, MI, NH, NJ, NY, PA, RI, VT, WI) adopted Maximum Contaminant Levels (MCL) or enforceable standards for PFAS in drinking water.
 - **New Hampshire [HB 271](#)** (2021) directs the Department of Environmental Services to set MCLs for PFAS and enables the Department to make grants and loans to eligible municipalities, drinking water, and wastewater systems to address PFAS contamination.

Other Categories

- **6 states** (CA, CO, MD, MN, OR, WA) eliminate PFAS chemicals in cosmetics.
- **Twelve states** (CA, CO, CT, HI, ME, MD, MN, NY, OR, RI, VT and WA) have enacted phase-outs of PFAS in food packaging.
- PFAS in sewage sludge (biosolids):
 - **Maine [LD 1911](#)** (2022): first in the nation to ban the spreading of sludge and sludge-derived compost as fertilizer

What's Next?

- Eliminating PFAS in broad range of products:
 - Artificial turf
 - Cookware
 - Cleaning products
 - Food packaging
 - Kids Products
 - Menstrual products
 - Textiles including apparel
 - Waxes and polishes
- Capture manufacturing—not just sale—within bans

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