

8 Sec. 7. 6 V.S.A. § 1114 is added to read:

9 § 1114. PFAS IN PESTICIDES

10 (a)(1) A person shall not sell, offer for sale, use, or distribute in the State a  
11 pesticide that has been adulterated in an amount exceeding 20 parts per trillion  
12 by the following substances:

13 (A) perfluoroheptanoic acid (PFHpA);

14 (B) perfluorohexane sulfonic acid (PFHxS);

15 (C) perfluorononanoic acid (PFNA);

16 (D) perfluorooctane sulfonic acid (PFOS);

17 (E) perfluorooctanoic acid (PFOA); and

18 (F) perfluorodecanoic acid (PFDA).

19 (2) A pesticide shall not contain a substance listed in this subsection as  
20 an active, inactive, or inert ingredient.

**Prohibits these  
ingredients in pesticides.**

1           **Products packaged in**  
2           **fluorinated containers**  
3           **must be tested.**  
4           (b) Pesticides that do not contain PFAS as an intentionally added ingredient  
5           and that have been packaged within a fluorinated, high-density polyethylene  
6           container shall be tested for PFAS prior to sale, offer for sale, or distribution.

7           **Sale prohibited if more**  
8           **than 20 ppt.**  
9           A pesticide containing PFAS due to chemicals leached from the container in an  
10           amount exceeding 20 parts per trillion is prohibited from sale, offer for sale,  
11           use, or distribution.

12           **Annual submission of**  
13           **CSF & affidavit**  
14           **(storage in fluorinated**  
15           **container).**  
16           (c) Manufacturers and distributors of pesticides shall submit a confidential  
17           statement of formula for each pesticide or pesticide product registered with the  
18           State and an affidavit to the Secretary. The statement of formula and the  
19           affidavit are exempt from public inspection and copying under the Public  
20           Records Act and shall be kept confidential. The Public Records Act  
21           exemptions created in this subsection shall not be subject to the provisions of  
22           1 V.S.A. § 317(e) (repeal of Public Records Act exemptions).

14 (d) A manufacturer or distributor required to submit forms under  
15 subsection (b) of this section shall submit the forms during the product  
16 registration review or during reregistration pursuant to 6 V.S.A. § 918. The  
17 affidavit shall state whether a pesticide has ever been stored, distributed, or  
18 packaged in a fluorinated high-density polyethylene container and whether the  
19 pesticide has been tested for PFAS.

### **Attestation details.**

20 (e) The Secretary shall specify the format for submission of the notice  
21 required. Any notice submitted shall contain the following information:  
1 (1) the name of the intentionally added chemicals in the pesticide  
2 registered with the U.S. Environmental Protection Agency;  
3 (2) a description of the product or product component containing PFAS,  
4 including the brand name, the product model, and the universal product code  
5 (UPC) if the product has such a code;

6           (3) the amount of the chemical contained in each unit of the product or  
7           product component, reported by weight or parts per trillion as authorized by  
8           the Secretary;  
9           (4) the name and address of the manufacturer of the product and the  
10          name, address, and telephone number of a contact person for the manufacturer;  
11          and  
12          (5) any other information the manufacturer deems relevant to the  
13          appropriate use of the product.

14    \*\*\* Effective Dates \*\*\*

15           Sec. 8. EFFECTIVE DATES

16           This act shall take effect on July 1, 2024, except:

17           (1) Secs. 1–3 (restriction on the procurement of products containing  
18           PFAS) shall take effect on July 1, 2025; and

19           (2) Secs. 6 and 7 (restricting PFAS in pesticides) shall take effect on  
20           January 1, 2025.

**January 1, 2025**

18 § 1713. PROHIBITION ON THE SALE AND DISTRIBUTION OF

19 PRODUCTS CONTAINING PFAS

20 (a) A person shall not distribute, sell, offer for sale, or distribute in this

21 State any product to which one or more PFAS has been intentionally added

1 unless the Department has determined that the use of PFAS is a currently

2 unavoidable use.

3 (b) The Department shall maintain a list of products on its website that are

4 exempt from subsection (a) of this section due to its determination that the use

5 of one or more intentionally added PFAS constitutes a currently unavoidable

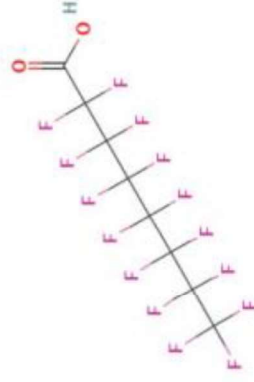
6 use.

9 (4) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a

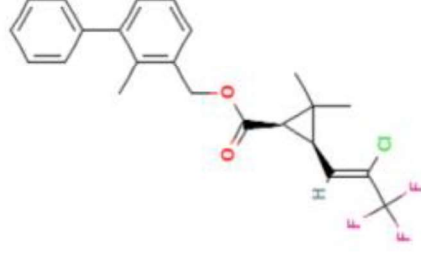
10 class of fluorinated organic chemicals containing at least one fully fluorinated

11 carbon atom.

**Prohibits PFAS in all  
goods, unless  
exempted.**



PFOA (traditional PFAS)



Bifenthrin (mosquito / tick insecticide)

- 9 (4) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a
- 10 class of fluorinated organic chemicals containing at least one fully fluorinated
- 11 carbon atom.

PFAS Working Group proposed definition:

“Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means one fully fluorinated carbon compound that is identified as “PFAS” as defined in 40 C.F.R. 705.3. The Commissioner may exempt chemicals from the definition of PFAS if that chemical is federally regulated and not designated as persistent bioaccumulative toxic. The Commissioner may add chemicals to the definition of PFAS if that chemical is designated as persistent bioaccumulative toxic.

40 CFR 705.3 (aka TSCA 8(a)(7)):

*Per- and polyfluoroalkyl substances or PFAS* means, for the purpose of this part, any chemical substance or mixture containing a chemical substance that structurally contains at least one of the following three sub-structures:

- (1)  $R-(CF_2)_n-CF(R')R''$ , where both the  $CF_2$  and  $CF$  moieties are saturated carbons.
- (2)  $R-CF_2OCF_2-R'$ , where  $R$  and  $R'$  can either be  $F$ ,  $O$ , or saturated carbons.
- (3)  $CF_3C(CF_3)R'R''$ , where  $R'$  and  $R''$  can either be  $F$  or saturated carbons.

**Table 1. Tally of number of pesticide components that meet differing definitions of PFAS.**

	Type of PFAS Definition			Active Ingredients	Other/Inert Ingredients
<b>EPA Office of Pesticide Programs</b>	complex - but containing as few as 2 fully fluorinated carbon atoms*	4			2
<b>Maine</b>	organic chemicals containing at least one fully fluorinated carbon atom	56			3
<b>Minnesota</b>	organic chemicals containing at least one fully fluorinated carbon atom	> 90			Undisclosed

\* EPA's working definition of PFAS can be found at <https://www.epa.gov/pesticides/pfas-packaging>

## TSCA 8(a)(7)

### **Veterinary Medicines Prohibited by Definition**

One fully-fluorinated carbon (1FFC): 42 active ingredients ~1,600 products  
 EPA's TSCA 8(a)(7) definition: none