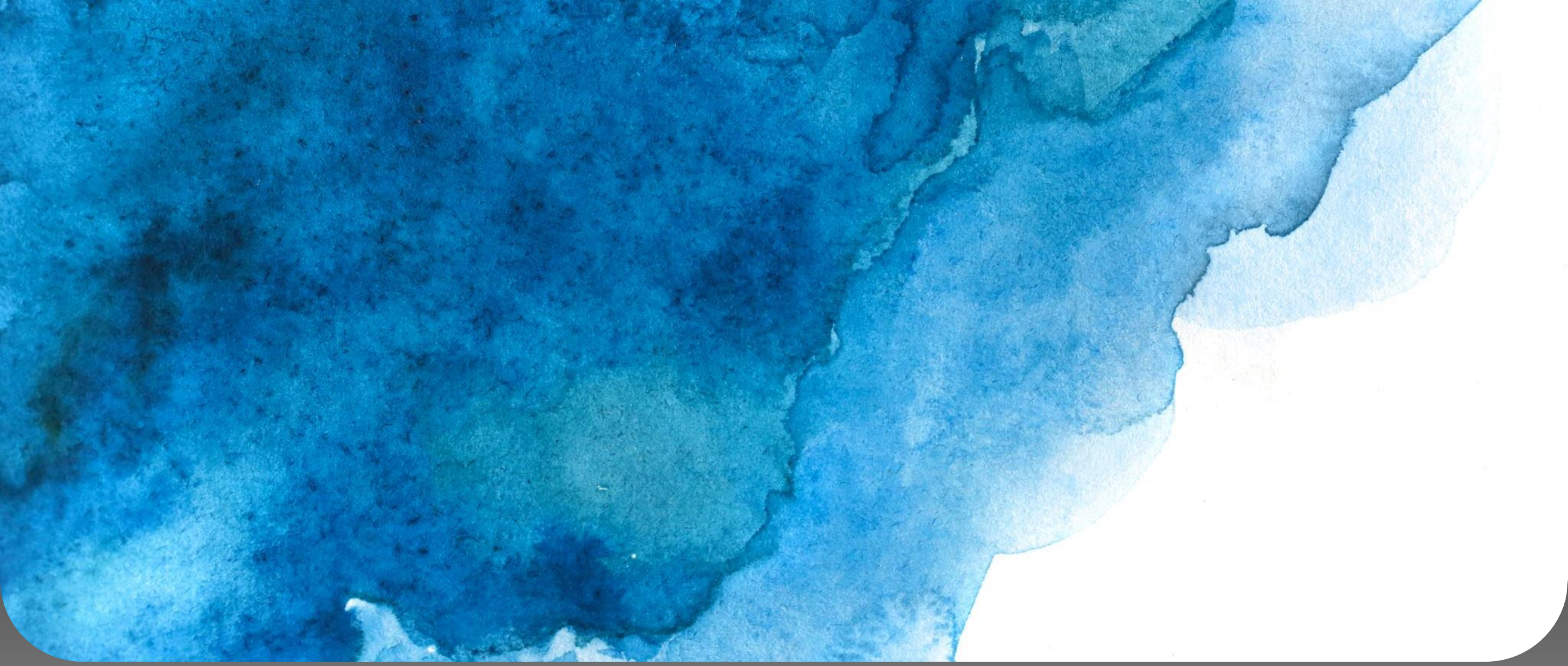


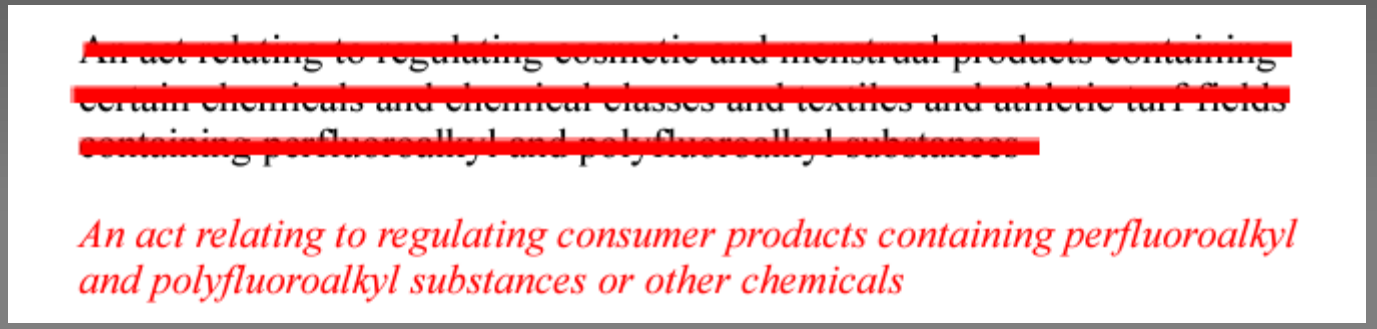
PFAS in the General Assembly 2024

May 20, 2024

S.25 Status Update

- Over course of session S.197 was rolled into S.25

  S.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



* * * PFAS in Consumer Products * * *

Sec. 3. 9 V.S.A. chapter 63, subchapter 12a is added to read:

Subchapter 12a. PFAS in Consumer Products

* * * PFAS in Firefighting Agents and Equipment * * *

Sec. 6. 9 V.S.A. chapter 63, subchapter 12b is added to read:

Subchapter 12b. PFAS in Firefighting Agents and Equipment

§ 2494r. RESTRICTION ON MANUFACTURE, SALE, AND DISTRIBUTION; EXCEPTIONS

(a) A manufacturer of class B firefighting foam shall not manufacture, sell, offer for sale, or distribute for sale or use in this State class B firefighting foam to which PFAS have been intentionally added.

* * * Chemicals of Concern in Food Packaging * * *

Sec. 7. 9 V.S.A. chapter 63, subchapter 12c is added to read:

Subchapter 12c. Chemicals of Concern in Food Packaging

§ 2494x. FOOD PACKAGING

(a) A manufacturer shall not manufacture, sell, offer for sale, distribute for sale, or distribute for use in this State a food package to which PFAS have been intentionally added and are present in any amount.

* * * Engagement and Implementation Plans * * *

Sec. 8. COMMUNITY ENGAGEMENT PLAN

(a) On or before July 1, 2025, the Department of Health shall develop and submit a community engagement plan to the Senate Committee on Health and Welfare and to the House Committee on Human Services related to the enactment of 9 V.S.A. chapter 63, subchapter 12. The community engagement plan shall:

(1) provide education to the general public on chemicals of concern in cosmetic and menstrual products and specifically address the unique impact these products have on marginalized communities by providing the use of language access services, participant compensation, and other resources that support equitable access to participation; and

Sec. 9. IMPLEMENTATION PLAN; CONSUMER PRODUCTS CONTAINING PFAS

(a) The Agency of Natural Resources, in consultation with the Agency of Agriculture, Food and Markets; the Department of Health; and the Office of the Attorney General, shall propose a program requiring the State to identify and restrict the sale and distribution of consumer products containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) that could impact public health and the environment. The proposed program shall:

(1) identify categories of consumer products that could have an impact on public health and environmental contamination;

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(2) propose a process by which manufacturers determine whether a consumer product contains PFAS and how that information is communicated to the State;

(3) address how information about the presence or lack of PFAS in a consumer product is conveyed to the public;

(4) describe which agency or department is responsible for administration of the proposed program, including what additional staff, information technology changes, and other resources, if any, are necessary to implement the program;

(5) determine whether and how other states have structured and implemented similar programs and identify the best practices used in these efforts;

(6) propose definitions of "intentionally added," "consumer product," and "perfluoroalkyl and polyfluoroalkyl substances";

(7) propose a related public service announcement program and website content to inform the public and health care providers about the potential public health impacts of exposure to PFAS and actions that can be taken to reduce risk;

(8) provide recommendations for the regulation of PFAS within consumer products that use recycled materials, including food packaging, cosmetic product packaging, and textiles; and

(9) determine whether "personal protective equipment" regulated by the U.S. Occupational Safety and Health Administration under the Occupational Safety and Health Act, the U.S. Food and Drug Administration, or the U.S. Centers for Disease Control and Prevention, or a product that is regulated as a drug, medical device, or dietary supplement by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act or the Dietary Supplement Health and Education Act, is appropriately regulated under 9 V.S.A. chapter 63, subchapters 12–12c.

Categories already established

§ 2494f. AFTERMARKET STAIN AND WATER-RESISTANT TREATMENTS

§ 2494g. ARTIFICIAL TURF

§ 2494h. COOKWARE

(1) identify categories of consumer products that could have an impact on public health and environmental contamination;

§ 2494i. INCONTINENCY PROTECTION PRODUCT

§ 2494j. JUVENILE PRODUCTS

§ 2494k. RUGS AND CARPETS

§ 2494l. SKI WAX

§ 2494m. TEXTILES

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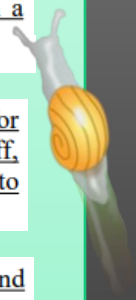

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PFAS FREE - CERTIFIED -

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Important when talking about fluorinated containers

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PFAS found in fluid contents due to container fluorination

Abbreviated	Full Name
PFBA	Perfluoro-butanoic acid
PFPeA	Perfluoro-pentanoic acid
PFHxA	Perfluoro-hexanoic acid
PFHpA	Perfluoro-heptanoic acid
PFOA	Perfluoro-octanoic acid
PFNA	Perfluoro-nananoic acid
PFDA	Perfluoro-decanoic acid
PFUdA	Perfluoro-undecanoic acid

EPA press release stated,
"Inhance Technologies has historically fluorinated up to 200 million containers annually, which is more containers than there are households in America."

Container fluorination is used for: Household cleaners, pesticides, fuel & other industrial products


GREENWIRE

EPA ditches 'forever chemicals' suit

By Ellie Borst | 05/14/2024 01:29 PM EDT

The federal government is opting to voluntarily dismiss a landmark lawsuit over PFAS in widely used fluorinated containers.

Needs clarity

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(1) identify categories of consumer products that could have an impact

Title 18 : Health Chapter 038A : Chemicals of High Concern to Children

(Cite as: 18 V.S.A. § 1772)§ 1772. Definitions

(8) "Consumer product" means any product that is regularly used or purchased to be used for personal, family, or household purposes. "Consumer product" shall not mean:

(A) a product primarily used or purchased for industrial or business use that does not enter the consumer product market or is not otherwise sold at retail;

(B) a food or beverage or an additive to a food or beverage;

(C) a tobacco product;

(D) a pesticide regulated by the U.S. Environmental Protection Agency;

(E) a drug, or biologic regulated by the U.S. Food and Drug Administration (FDA), or the packaging of a drug, or biologic that is regulated by the FDA, including over-the-counter drugs, prescription drugs, dietary supplements, medical devices, or products that are both a cosmetic and a drug regulated by the FDA;

(F) ammunition or components thereof, firearms, air rifles, hunting or fishing equipment or components thereof;

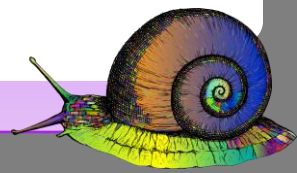
(G) an aircraft, motor vehicle, wheelchair, or vessel;

(H) consumer electronic products, including personal computers, audio and video equipment, calculators, wireless telephones, game consoles, and hand-held devices incorporating a video screen used to access interactive software intended for leisure and entertainment and their associated peripherals;

(I) interactive software, intended for leisure and entertainment, such as computer games, and their storage media, such as compact discs; or

(J) the packaging in which a product is sold, offered for sale, or distributed.

V.S.A. chapter 63, subchapters 12–12c.



Needs clarity

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(d) For the purposes of this section, "consumer products" includes restricted and nonrestricted use pesticides.

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A whole discipline onto itself

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93 pesticide a.i.s
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(9) determine whether "personal protective equipment" regulated by the U.S. Occupational Safety and Health Administration under the Occupational Safety and Health Act, the U.S. Food and Drug Administration, or the U.S. Centers for Disease Control and Prevention, or a product that is regulated as a drug, medical device, or dietary supplement by the U.S. Food and Drug Administration under the Federal Food, Drug, and Cosmetic Act or the Dietary Supplement Health and Education Act, is appropriately regulated under 9 V.S.A. chapter 63, subchapters 12–12c.

(6) propose definitions of "intentionally added," "consumer product," and "perfluoroalkyl and polyfluoroalkyl substances";

A whole discipline onto itself

"PFAS" can include up to:
93 pesticide a.i.s
42 veterinary medicine a.i.s
-OR-
None of either

(1) identify categories of consumer products that could have an impact on public health and environmental contamination;

(2) propose a process by which manufacturers determine whether a consumer product contains PFAS and how that information is communicated to the State;

(3) address how information about the presence or lack of PFAS in a consumer product is conveyed to the public;

(4) describe which agency or department is responsible for administration of the proposed program, including what additional staff, information technology changes, and other resources, if any, are necessary to implement the program;

(5) determine whether and how other states have structured and implemented similar programs and identify the best practices used in these efforts;

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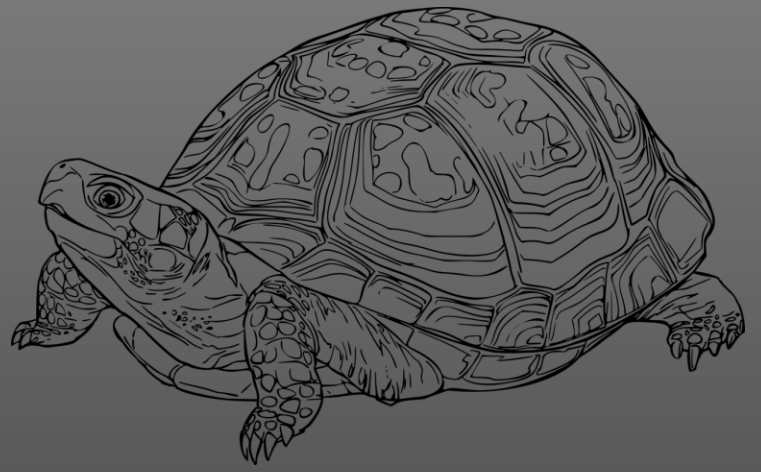
Quick summary



-General Assembly looking for ways to protect Vermonters from PFAS

-focusing on preventing / prohibiting additional PFAS entering the state

-ANR (in consultation with AAFM, DH, OAG) has a November 1, 2024 deadline for proposal how to implement ban on consumer products and education campaign

Sec. 9. IMPLEMENTATION PLAN; CONSUMER PRODUCTS CONTAINING PFAS

Who is a consumer?

tion with the Agency of ealth; and the Office of ing the State to identify and restrict the sale and distribution of consumer products containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) that could impact public health and the environment. The proposed program shall:

Title 9 : Commerce and Trade Chapter 063 : Consumer Protection
Subchapter 001 : General Provisions **(Cite as: 9 V.S.A. § 2451a)§ 2451a. Definitions**

As used in this chapter:
(1) "Consumer" means any person who purchases, leases, contracts for, or otherwise agrees to pay consideration for goods or services not for resale in the ordinary course of the person's trade or business but for the person's use or benefit or the use or benefit of a member of the person's household, or in connection with the operation of the person's household or a farm whether or not the farm is conducted as a trade or business, or a person who purchases, leases, contracts for, or otherwise agrees to pay consideration for goods or services not for resale in the ordinary course of the person's trade or business but for the use or benefit of the person's business or in connection with the operation of the person's business.

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