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State Level PFAS Regulations Are Coming: Are You Ready?

Insight — May 8, 2024

As the US Environmental Protection Agency (EPA) expands its regulation of per-and polyfluoroalkyl substances (PFAS), a number of states have also taken steps to regulate the use, production, and sale of products containing PFAS. PFAS are a group of synthetic chemicals with a broad range of commercial and industrial uses. Adopted and proposed state legislation may require entities that have PFAS in their products to report such contents, age-restrict the distribution of their products, or even, cease the sale of PFAS-containing products entirely.

It is critical to understanding how a state defines PFAS and whether (and how) any of the requirements apply to your product. It's complicated: Some states are legislating PFAS as a class using a very broad definition, while others are targeting specific PFAS chemicals. Commercial and industrial producers should be aware of any new obligations that may affect their business practices.

The chart below outlines adopted and proposed regulatory efforts as of early May:

STATE LABELING REQUIREMENTS.

| State | Regulation |
|-------------------|--|
| California | Required: Labeling for all products containing the PFAS at or above set limits. |
| Michigan | Proposed: Legislation requiring labeling for any product containing PFAS. |

STATE NOTIFICATION AND REPORTING REQUIREMENTS

| State | Regulation |
|-------------------|---|
| Washington | Required: Manufacturers must submit written notice and report on PFAS-containing products. |
| Maine | Upcoming Requirement: <ul style="list-style-type: none"> As of January 2022, written notice and relevant product information required for manufacturers that intentionally use PFAS in their products. Provision in law that would waive reporting requirements for certain products. |
| Minnesota | Upcoming Requirement: As of January 2022 , written notice and report on PFAS-containing products. |

