

## Consumer Compact

### Regulators Move to Protect Consumers from Harmful PFAS in Food Packaging

Table 1. Summary of several US jurisdictions regulating PFAS in consumer goods

Jurisdiction	Citation	Scope	Requirement for PFAS	Effective date
California	Health and Safety Code, Division 104, Part 3, Chapter 12.5 'Juvenile Products' (AB 652, Chapter 500, 2021-2022)	Juvenile products	Prohibited if either intentionally added, or $\geq 100$ ppm (as total organic fluorine)	July 1, 2023
	Health and Safety Code, Division 104, Part 3, Chapter 15 'Chemicals of Concern in Packaging and Cookware' (AB 652, Chapter 500, 2021-2022)*****	Food packaging substantially made of paper, paperboard, or derived from plant fibers		January 1, 2023
California – San Francisco	Ordinance No. 201-18 'Environment Code – Single-Use Food Ware Plastics, Toxics, and Litter Reduction'	Single-use service ware	Prohibited	2020
California – Santa Rosa	Ordinance No. ORD-2021-008 to add Chapter 9-30 to City Code 'Zero Waste Food Ware Ordinance'	Food ware and or food ware accessories in food facilities	Prohibited	January 2022
Colorado	HB 22-1345 'Concerning Measures to Increase Protections from PFAS Chemicals'	<ul style="list-style-type: none"> <li>• Carpets and rugs</li> <li>• Fabric treatments</li> <li>• Food packaging derived from plant fibers</li> <li>• Juvenile products</li> <li>• Oil and gas products</li> </ul>	Prohibited if intentionally added	January 1, 2024
		In handle of cookware or any cookware surface that comes into contact with food, foodstuffs or beverages	List the presence of intentionally added PFAS on product label, including on the product listing for online sales (see legislation for labelling details)	January 1, 2024
		Cookware	Unless no individual PFAS is intentionally added, manufacturers (include importers or first domestic distributors by statute) must not make a claim that the	January 1, 2024

			cookware is free of any PFAS on cookware package	
		Class B firefighting foams	Prohibited if intentionally added	January 1, 2024
		<ul style="list-style-type: none"> <li>• Cosmetics</li> <li>• Indoor textile furnishings</li> <li>• Indoor upholstered furniture</li> </ul>	Prohibited if intentionally added	January 1, 2025
		<ul style="list-style-type: none"> <li>• Outdoor textile furnishings</li> <li>• Outdoor upholstered furniture</li> </ul>	Prohibited if intentionally added	January 1, 2027
Connecticut	Public Act No. 21-191 (Substitute SB 837, 2021)	Food packaging	Prohibited	December 31, 2023
Maine	LD 1433 (Chapter 277, 2019)	Food packages, including food service gloves	Prohibited*	January 2022**
Maine	LD 1503 (Chapter 477, 2021)	Products	Submit notification if product contains intentionally added PFAS	January 1, 2023
		Carpets, rugs or fabric treatments	Prohibited	January 1, 2023
		Products	Prohibited	January 1, 2030
Maryland	Articles - Environment Section 6 Subtitle 16 'PFAS Chemicals' (SB 273, Chapter 139, 2022)/Cross-file HB 275, Chapter 138, 2022)	<ul style="list-style-type: none"> <li>• Food packages or food packaging substantially composed of paper, paperboard, or other materials derived from plant-fibers</li> <li>• Plastic disposable gloves used in commercial or institutional food service</li> </ul>	Prohibited	January 1, 2024
		Rugs and Carpets	Prohibited	January 1, 2024
Minnesota	Chapter 325F.075 'Food packaging; PFAS' (SF 20, Chapter 6, 2021-2022)	Food packages	Prohibited	January 1, 2024

New York	Environmental Conservation Law § 37-0209 'Prohibition on the Use of Perfluoroalkyl and Polyfluoroalkyl Substances in Food Packaging' (S8817, 2020)	Food packaging made, in substantial part, from paper, paperboard, or other materials derived from plant fibers	Prohibited	December 31, 2022
Vermont	18 V. S. A Chapter 33A 'Chemicals of Concern in Packaging' (S 20, Chapter 36, 2021)	Food packaging	Prohibited	July 1, 2023**,***
Washington	RCW 70A.222.070 'Prohibition on the manufacture, sale, or distribution of certain food packaging – Safer alternatives assessment by the Depart of Ecology – Publication of findings – Report to legislature – Prohibition effective date contingent on findings' (ESHB 2658, Chapter 138, 2018)	Food packaging, made in substantial part, of paper, paperboard, or other materials derived from plant fibers	Prohibited	January 2022****
		Food packaging, made in substantial part, of paper, paperboard, or other materials derived from plant fibers: <ul style="list-style-type: none"> <li>• Food boats</li> <li>• Pizza boxes</li> <li>• Plates</li> <li>• Wraps and liners</li> </ul> (First alternatives assessment report to Legislature, February 2021)	Prohibited	February 2023
		Food packaging, made in substantial part, of paper, paperboard, or other materials derived from plant fibers: <ul style="list-style-type: none"> <li>• Bags and sleeves</li> <li>• Bowls Flat service ware</li> <li>• Open-top containers</li> <li>• Closed containers</li> </ul> (Second alternatives assessment report to legislature, May 2022)	Prohibited	May 2024

\*Prohibition of PFAS by rule, and only becomes operative if safer alternatives are available, otherwise 2 years from date on which Dept. of Environmental Protection (DEP) determines a safer alternative is available, whichever is later

\*\* Also prohibits phthalates

\*\*\*Dept of Health (DOH) may adopt rules to prohibit bisphenols

\*\*\*\*Only becomes operative if safer alternatives are available, otherwise two years after further findings have been determined in Dept. of Ecology's (DOE) report

\*\*\*\*\*Starting January 1, 2024, also requires product label to list the presence of 'Designated list of chemicals' if the handle of cookware or any cookware surface that comes into contact with food contains such chemicals