

# Breaking Down the Latest US PFAS Regulations: What You Need to Know



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# Mission Statement

Ensure global companies have the tools & information to build safe, sustainable, products in a world full change

# Trusted by the World's Leading Brands

**SONY**

**TESLA**

***BOSE***

**SAMSUNG**

Waters

**Kodak**

**stryker**

**ThermoFisher**  
SCIENTIFIC

**Abbott**

**MASIMO**

**GARMIN**

  
novo nordisk®



78k+

Sources

195

Countries

20+

Industries

25

Languages

30

Global Network  
Partners

2K

Expert Questions  
answered in 2021



# Unlock Market Access



01

# Introduction

# Introduction

- Per-and polyfluoroalkyl substances (PFAS) - group of chemicals used to make fluoropolymer coatings and products which resist heat, oil, stains, grease, and water
- Fluoropolymer coatings can be in a variety of products such as:
  - clothing
  - furniture
  - adhesives
  - food packaging
  - heat-resistant non-stick cooking surfaces
  - insulation of electrical wires
- PFAS substances often defined as: “a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom”
- PFAS are known as “forever chemicals” because they don't break down in the environment

02

# PFAS Strategic Roadmap

# USA PFAS Strategic Roadmap (2021-2024)

- Published in October 2021, provides EPA's comprehensive approach to addressing PFAS
- **Research:** Invest in development and innovation to understand sources of PFAS exposures and toxicities and effects on human health and environment
- **Restrict:**
  - Proactively prevent PFAS from entering air, land, and water at detrimental levels
  - Through statutory authority, control and prevent PFAS contamination and minimize exposure during consumer and industrial uses
  - Place responsibility for restrictions on manufacturers, processors, distributors, importers, industrial and other significant users, dischargers, and treatment and disposal facilities
- **Remediate:**
  - Broaden and accelerate cleanup of PFAS contamination to protect human health and ecological systems
  - Maximize responsible party performance/funding for investigations and cleanup of PFAS contamination

03

# USA Federal PFAS Activity

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## [USA: Toxic Substances Control Act \(TSCA\), Reporting and Recordkeeping Requirements for Perfluoroalkyl and Polyfluoroalkyl \(PFAS\) Substances, Draft Rule, 86 FR 33926, June 2021](#)

- Proposes to add Part 705 to 40 CFR for PFAS reporting/recordkeeping requirements
- April-August 2022 - Small Business Advocacy Review (SBAR) Panel discussed Draft Rule
- 25 November 2022, EPA Published another proposed rule; Notice of data availability
- Available data includes findings of SBAR Panel - Initial Regulatory Flexibility Analysis (IRFA) and Updated Economic Analysis - comments sought until 27 December 2022

## [Toxic Chemical Release Reporting, 40 CFR 372, Emergency Planning & Community Right-to-Know Act \(EPCRA\) and Pollution Prevention Act \(PPA\)](#)

- Amended several times since 2020 to include over 175 PFAS in list of toxic chemicals with reporting requirements
- EPA continually updates list of toxic chemicals with release reporting requirements
- 17 August 2022 - updated list of chemicals subject to toxic chemical release reporting to identify five per- and polyfluoroalkyl substances (PFAS)

# USA Federal PFAS Activity

## [USA: Hazardous Substances Designation, Reportable Quantities and Notification, Rules, 40 CFR 302, 1985 - Proposed Amendment - \(on Designation of Perfluorooctanoic Acid \(PFOA\) and Perfluorooctanesulfonic Acid \(PFOS\) as CERCLA Hazardous Substances\) Draft Rule, September 2022](#)

- EPA proposing to designate perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) (two types of PFAS), and their salts and structural isomers, as hazardous substances
- CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) designation would mean responsible parties must report releases of PFOA and PFOS of one pound or more within a 24-hour period
- Would ultimately facilitate cleanup of contaminated sites and reduce human exposure
- Goal to help public/government understand where PFAS releases occur and quantities
- Published in 6 Sept 2022 Federal Register with 60 days for public comments
- Public requested an extension, but EPA kept the 7 Nov 2022 deadline

# USA Federal PFAS Activity

## [USA: Toxic Chemical Release Reporting, Rule, 40 CFR 372, 1988 - Proposed Amendment - \(on changes to reporting requirements for PFAS\) Draft Rule, 87 FR 74379, December 2022](#)

- Proposing to add per- and polyfluoroalkyl substances (PFAS) already subject to EPCRA and Pollution Prevention Act (PPA) reporting requirements to the list of Lower Thresholds for Chemicals of Special Concern
- These PFAS already have a lower reporting threshold of 100 pounds
- Adding these PFAS to the list of chemicals of special concern would make PFAS subject to the same reporting requirements as other chemicals of special concern
- Would eliminate the use of the de minimis exemption and option to use Form A and would limit use of range reporting for PFAS
- Removing these burden-reduction reporting options would provide a more complete view of the releases and waste management quantities for these PFAS
- Deadline for comments was 3 February 2023

# USA Federal PFAS Activity

## [USA: Significant New Use of Certain Chemical Substances, 40 CFR 721 - Proposed Amendment \(on PFAS designated as inactive on the TSCA Inventory\), Draft Rule, 88 FR 4937, January 2023](#)

- EPA proposing a Significant New Use Rule (SNUR) for 330 PFAS currently on TSCA Inventory which have not been actively manufactured/ imported/processed in U.S. since 2006
- Designated as inactive on TSCA Chemical Substance Inventory and not subject to SNUR
- Proposal intended to protect health/environment - to ensure review of SNUs of certain PFAS
- If intending to manufacture or import or process any of these chemicals for a significant new use would need to notify EPA at least 90 days prior
- EPA to decide if significant new use is not likely to present an unreasonable risk of injury to health or the environment or could take regulatory action prior to manufacture
- Deadline for comments is 27 March 2023

04

# USA State PFAS Activity

# USA State PFAS Activity

## Maine - Prohibition of Products Containing Perfluoroalkyl and Polyfluoroalkyl (PFAS) Substances

- Public Law c.477 which enacted Title 38, Section 1614 of Maine Revised Statutes: “Products containing PFAS”
- Beginning 1 January 2023, manufacturers of products with intentionally added PFAS must report the intentionally added presence of PFAS in those products
- Effective 1 January 2030, any product containing intentionally added PFAS may not be sold in Maine unless use of PFAS is specifically designated as an unavoidable use
- On 14 February 2023, Department of Environmental Protection published a Draft Rule to provide guidance on notification requirements and sales prohibitions per 38 M.R.S. §1614
- Addressing and implementing regulatory rules associated with the PFAS Law
- Deadline 19 May 2023

# USA State PFAS Activity

## New State Bills Introduced in Current Legislative Session

### [New Jersey Senate Bill 3177](#)

- Submit a written notification of product that contains intentionally added PFAS and pay fee (one year after effective date)

### [Illinois Senate Bill 88](#)

- PFAS manufacturer that sells or distributes a product containing intentionally added PFAS chemicals shall submit a written notification
- On and after 1 January 2025, prohibition on sale, distribution of specific products that contain intentionally added PFAS (inc. oil and gas products)

### [Minnesota Senate File 450](#)

- Manufacturer of a product for sale that contains intentionally added PFAS must submit to the commissioner a written notice (effective 1 January 2026)

# USA State PFAS Activity

## New State Bills Introduced in Current Legislative Session

### [Minnesota Senate File 834](#)

- Beginning 1 January 2025, a manufacturer of a product for sale containing intentionally added PFAS must submit to the commissioner a written notification
- Beginning 1 January 2030, prohibition on the sale, offer for sale, or distribution for sale of any product containing intentionally added PFAS, unless use is not avoidable

### [Vermont House Bill 152](#)

- Prohibiting intentionally added PFAS in all products, effective 1 July 2030 (unless use is not avoidable)

### [New York Assembly Bill 3571](#)

- Beginning 1 January 2026, a manufacturer of a product for sale containing PFAS as intentionally added chemicals shall submit a written notification
- Beginning 1 January 2032, no one shall distribute, sell or offer for sale any product containing PFAS as intentionally added chemicals unless use is currently unavoidable

# USA State PFAS Activity

## New State Bills Introduced in Current Legislative Session

### [Massachusetts House Bill 3324 \(Senate Bill 2053\)](#)

- Prohibition on sale and distribution of any products containing intentionally added PFAS, unless it's been determined that PFAS use is currently unavoidable use and a temporary exemption is granted
- On or before 1 June 2026, and annually thereafter, a manufacturer of PFAS or a product or product component containing intentionally added PFAS shall register on a publicly accessible reporting site
- Manufacturer of registered products shall state the presence of PFAS on product label that is visible and legible to the consumer, including on the product listing for online sales

Trying to keep on top of **it all...**



# A Smarter Way to Manage Product Compliance

Holistic Market Access Solutions

# Unlock Market Access, by ...



Demonstrating Compliance



For what is required



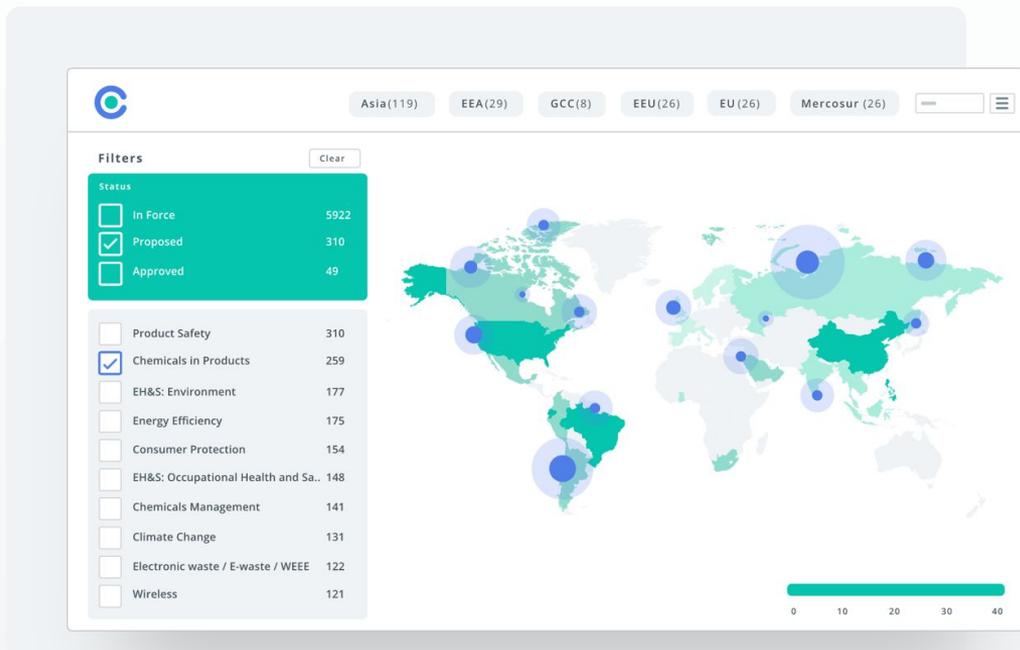
Driven by Global  
Regulations & Standards

TECHNOLOGY - C2P

# C2P

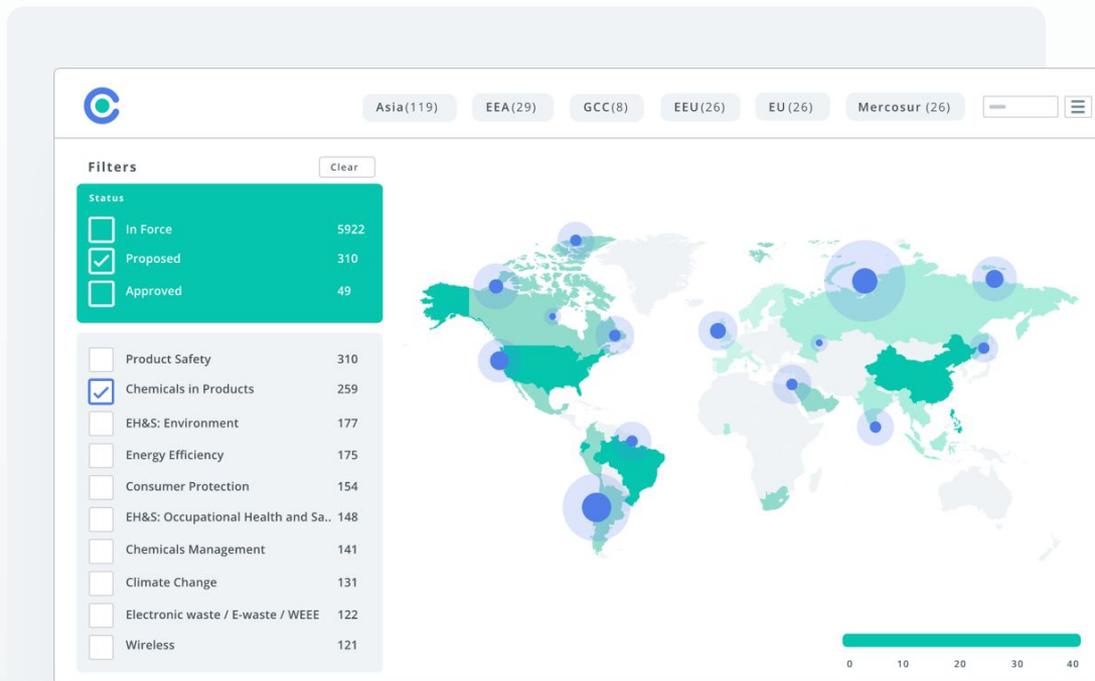
## The Key to Unlocking Market Access

- Enterprise grade technology
- Cloud based platform
- Access to regulatory coverage in 195 countries
- Heatmaps with what's hot & where
- Intelligent search
- AI powered probability analysis
- Productivity tools to improve team collaboration



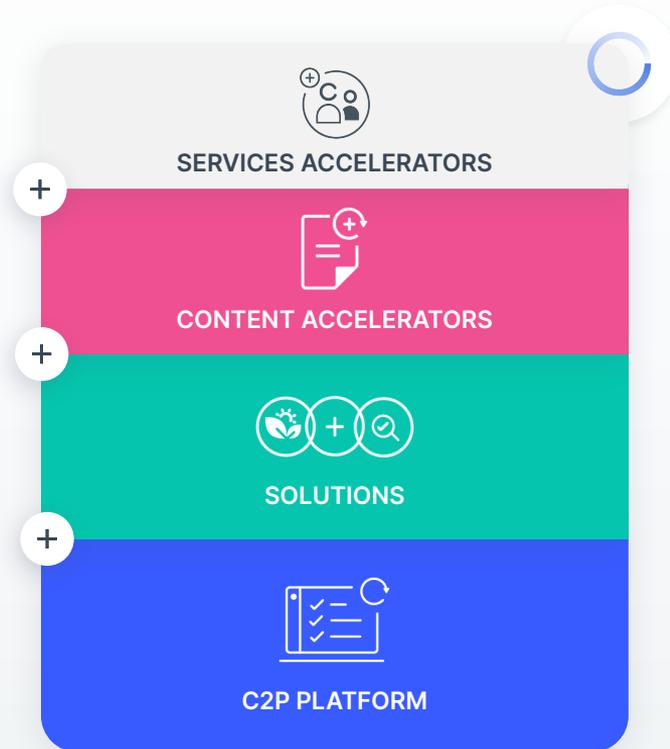
# Manage everything in One Place...

- Design, build, and collaborate on new products with confidence
- Keep all [compliance evidence](#) up to date & [live linked](#) back to their Regulations, Standards & Requirements
- Continually [monitor regulatory changes](#) & [keep ahead of proposed changes](#) before they happen
- Integrate with other systems to enable [streamlined business processes](#)



# Tailored to meet your needs...

- Comprehensive capabilities that enable enterprise-wide management of regulations, standards, requirements and evidence
- Add-on packages to accelerate market access through:
  - Use-case specific solutions
  - Global regulatory content
  - Professional services



# Q&A

# Thank you!



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