

# Legislative Update - PFAS



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# Busy Year for PFAS

## Overview:

- 7000 bills filed -63 signed into law (as of November 8). Session end 7/31/24
- Extended Producer Responsibility - 6 Bills
- PFAS – about 28 bills which mention PFAS

## Commented on...so far

- S2053 - *An Act Establishing a Moratorium on the Procurement of Structures or Activities Generating PFAS Emissions* - Hearing 9/20 - Joint Committee on State Administration and Regulatory Oversight
- H3580 - *An Act Relative to Certain Manufactured Chemicals Known as PFAS* and S588 - *An Act Studying the Effect of Per- and polyfluoroalkyl Substances in Commercial Products* – Hearing 10/25 – Joint Committee on Environment & Natural Resources
  - MCTA - Opposes all these bills because it could prevent virtually any company from using PFAS and are inconsistent with the omnibus bill.
- H2197 and S1356 - *An Act to Protect Massachusetts Public Health from PFAS*
  - Hearing 6/21 - Joint Committee on Public Health
  - Came out of the *PFAS Interagency Task Force*, released in April 2022.

# H2197 and S1356

## Highlights and Deadlines:

- January 1, 2026
  - Prohibits selling, distributing for sale or use food packaging with “intentionally added” PFAS.
  - Prohibits sale of (i) child passenger restraints; (ii) cookware; (iii) fabric treatments; (iv) personal care products; (v) rugs and carpets; (vi) upholstered furniture; and (vii) children’s products with “intentionally added” PFAS
- June 1, 2026
  - Requires any business distributing any product with intentionally added PFAS to register those products with DPH, accessible on public platform, notify purchasers that the products contain PFAS, and label those products
- January 1, 2030
  - Prohibits sale of all products with intentionally added PFAS unless an exemption for “currently unavoidable use” is given for 3 years at a time
  - Requires testing for unintentionally added PFAS in priority products mentioned above.
- DEP
  - Amend its groundwater discharge permits with requirements for quarterly monitoring and reporting of PFAS
  - Amend its surface water discharge permits and groundwater discharge permits issued to industrial permittees with requirements to implement best management practices for discharges of PFAS
- It also established a PFAS Remediation Fund- grants to communities for PFAS cleanup.

# MCTA Concerns

## PFAS Remediation Trust Fund

- Requires a grant recipient to sue companies for recovery before receiving grant – even if they are already working with DEP to mitigate the problem
- The term “negligence” unfairly brings in companies that were not at fault in disposing or using PFAS.

## Definition of PFAS

- Overly broad and inconsistent with other global, national and state definitions including those emerging from EPA and TSCA

## Prohibitions and regulations of non-food and non-priority products. None of which are mentioned specifically.

- Option 1 – remove this section entirely to focus only on priority products
- Option 2
  - Clarification of “intentionally added.” and “current unavoidable use.”
  - Create a pathway for exemption of PFAS-containing products, components or materials considered essential to health, safety, and the environment.
  - Lengthen the exemption period for products where PFAS use can be classified as “current unavoidable use.”

# MCTA Activities

- Comments filed
- Have had conversations with various legislators and DEP and continue to supply information
- Work with other trade groups. Lots of overlap for medical devices, pharmaceuticals, renewable energy and others.