



PFAS in the Supply Chain

PRESENTED TO MCTA

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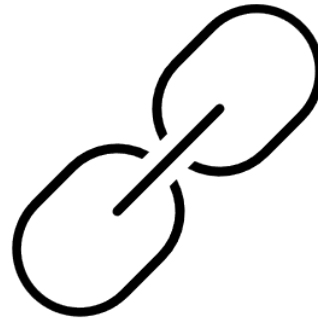
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Of Note

We note that in this presentation we are only providing general information; the information contained in this presentation does not constitute legal advice. No attorney-client relationship has been created. If legal advice or other assistance is required, please contact us directly.

Overview

- Drivers
- State of Play
- Pitfalls



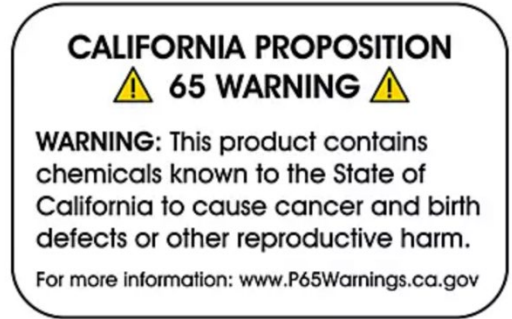
CALIFORNIA PROPOSITION

⚠️ 65 WARNING ⚠️

WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

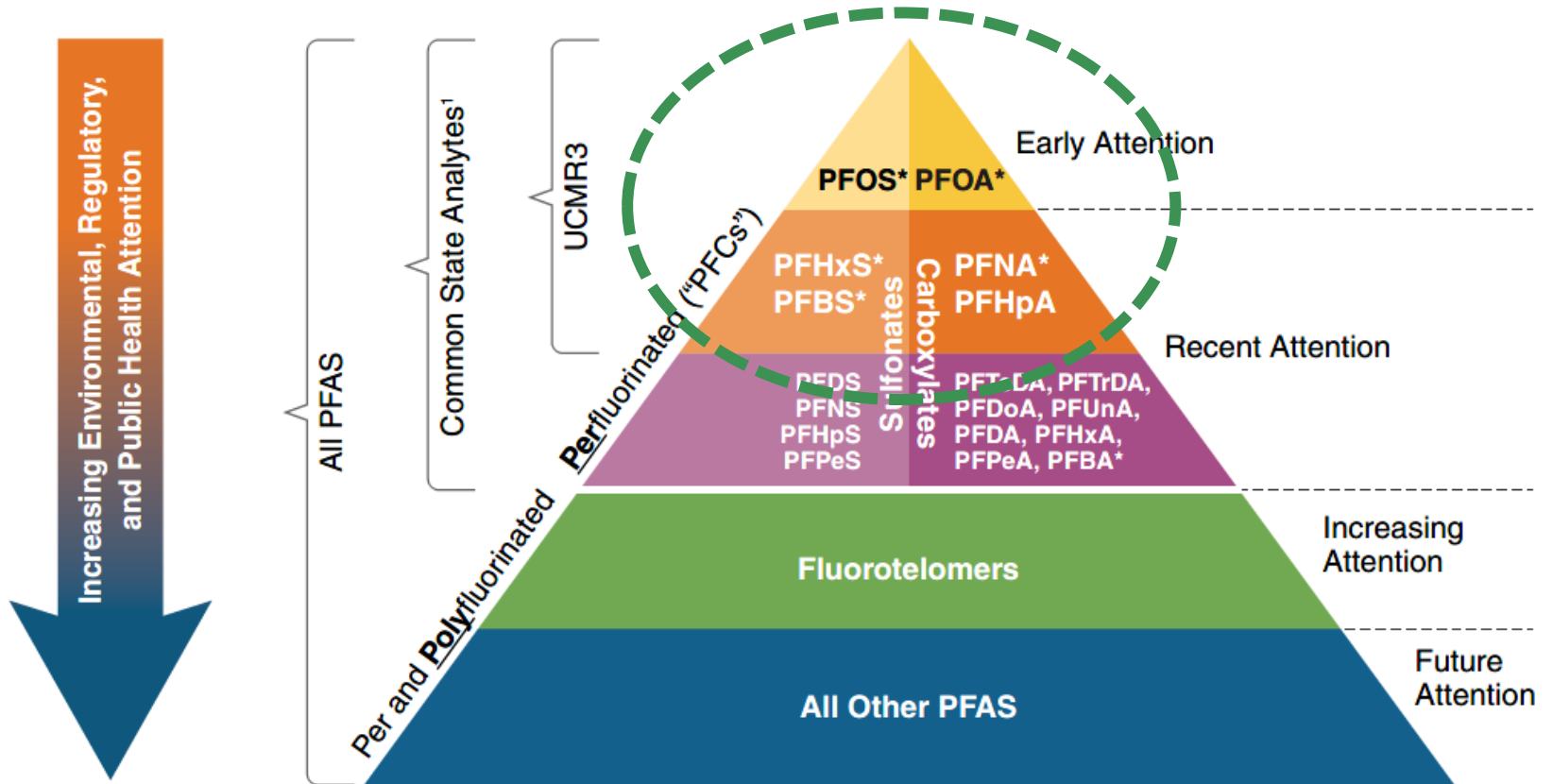
For more information: www.P65Warnings.ca.gov

State Requirements



- California's Prop. 65
 - Product labeling for cancer or reproductive harm
- Disclosures for specified substances in “children’s products” in WA, VT, OR...
- What’s next – PFAS!
 - Bans on PFAS in specified products (e.g., carpet, textiles, food packaging)
 - Disclosures:
 - Maine: All products containing intentionally added PFAS which are sold in Maine must be registered beginning January 1, 2025, prior to sale or distribution in the State, or amended when there is a substantial change
 - Similar law in Minnesota, effective 2026

What do we mean by PFAS?



Source: ITRC Figure 3 History and Use Fact Sheet

What do we mean by PFAS?

- For testing in environmental media, might have a few dozen analytes.
- For Toxics Release Inventory (TRI) there are specifically-listed substances (189 for 2023)
- For TSCA reporting rule, defined by structure rather than a specific list of substances
 - Thousands of potential compounds would meet definition.

Example Communication

- Question

- Does Product contain PFOA, PFOS, PFNA, HFPO-DA/GenX, PFHxS, or PFBS?

- Answer:

- [Thank you for your question about Product.] Fluoropolymers like PTFE and others are typically used when non-fluorinated substances are inadequate in the application. PFAS is not a singular substance but rather a grouping of many substances (the ECHA list now includes about 10,000 different PFAS substances) with chemistries that contain carbon-fluorine bond structures. Thus, all fluoropolymers are defined and included as PFAS substances. So, all fluoropolymers are PFAS substances and this includes the PTFE in [Product].

Tips

- Make sure everyone is clear on the specific question being presented
 - Beware inconsistent definitions (e.g., children's products, PFAS)
- Information gets stale, definitions change
 - Product formulations change over time – do you have the latest information?
 - If you asked about PFAS 5 years ago, did the answer use the same definition you'd expect today?
- Garbage in, garbage out
 - Clearinghouse products/services can simplify, but the result is only as useful as the data going in

Thank you!



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