

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 246 (Papan)
Version: April 12, 2023
Hearing Date: July 6, 2023
Fiscal: Yes
Urgency: No
AM

SUBJECT

Product safety: menstrual products: perfluoroalkyl and polyfluoroalkyl substances

DIGEST

This bill prohibits, beginning January 1, 2025, a person from manufacturing, distributing, selling, or offering for sale in the state any menstrual products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). The bill also prohibits, beginning January 1, 2027, a person from manufacturing, distributing, selling, or offering for sale in the state any menstrual products that contain, whether intentionally or unintentionally, concentrations of PFAS at or above 10 parts per million (ppm). The bill makes a violation of these provisions punishable by a civil penalty not to exceed \$5,000 for a first violation, and \$10,000 for each subsequent violation.

EXECUTIVE SUMMARY

PFAS are a large group of synthetic substances that have been widely used in industrial and consumer applications for their heat, water, and oil resistance properties since their invention in the 1930s. They are often referred to as “forever chemicals” due to the long time they take to break down. These chemicals are pervasive and have been found almost everywhere – indoor and outdoor environments, plants, food, soil, drinking water, wildlife, domestic animals, and humans. Studies have shown that exposure to PFAS may be linked to hazardous health effects and that PFAS can be transferred through ingestion or touch. California has enacted several laws banning PFAS in various products, such as textiles and children’s products. This bill seeks to ban PFAS in menstrual products given the elevated exposure pathway of the products.

The bill is author sponsored and supported by numerous organizations, including local governments, organizations that advocate for reproductive health and environmental organizations. The bill has been designated as a top priority for the California Legislative Women’s Caucus. The bill is opposed unless amended by the several associations representing manufacturers of menstrual products. The bill passed the Senate Environmental Quality Committee on a vote of 5 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Requires, pursuant to the Menstrual Products Right to Know Act of 2020, that a package containing menstrual products manufactured on or after January 1, 2023 for sale or distribution in the state to be labeled with all ingredients in the product by weight and this information to be posted on the internet. (Health & Saf. Code § 111822 et. seq.)
- 2) Prohibits, beginning January 1, 2022, a manufacturer of class B firefighting foam from manufacturing, or knowingly selling, offering for sale, distributing for sale, or distributing for use, and a person from using, class B firefighting foam containing intentionally added PFAS chemicals. (Health & Saf. Code § 13061(b)(1).)
- 3) Prohibits, beginning on January 1, 2025, a person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously used, textile articles that contain intentionally added PFAS, or PFAS at or above 100 PPM, and on or after January 1, 2027, 50 PPM, as measured in total organic fluorine. (Health & Saf. Code § 108971.)
- 4) Prohibits, commencing on January 1, 2023, a person from distributing, selling, or offering for sale in the state any food packaging that contains intentionally added PFAS or PFAS at or above 100 ppm, as measured in total organic fluorine. (Health & Saf. Code §109000.)
- 5) Authorizes the State Water Resources Control Board (State Water Board) to order a public water system to monitor for PFAS; requires community water systems to report detections; and, where a detected level of these substances exceeds the response level, to take a water source out of use or provide a prescribed public notification. (Health & Saf. Code § 116378.)
- 6) Requires the Department of Toxic Substances Control (DTSC) to adopt regulations to establish a process to identify and prioritize chemicals or chemical ingredients in consumer products that may be considered chemicals of concern, as specified. (Health & Saf. Code §25252.)
- 7) Requires DTSC to adopt regulations to establish a process to evaluate chemicals of concern in consumer products, and their potential alternatives, to determine how to best limit exposure or to reduce the level of hazard posed by a chemical of concern. (Health & Saf. Code §25253(a).)
- 8) Specifies, but does not limit, regulatory responses that DTSC can take following the completion of an alternatives analysis, ranging from no action, to a prohibition of the chemical in the product. (Health & Saf. Code § 25253.)

This bill:

- 1) Prohibits, beginning January 1, 2025, a person from manufacturing, distributing, selling, or offering for sale in the state any menstrual products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined. The bill makes a violation of these provisions punishable by a civil penalty not to exceed five thousand dollars (\$5,000) for a first violation, and not to exceed ten thousand dollars (\$10,000) for each subsequent violation, and authorizes the Attorney General, a city attorney, a county counsel, or a district attorney to bring an action to enforce these provisions.
- 2) Prohibits, beginning January 1, 2027, a person from manufacturing, distributing, selling, or offering for sale in the state any menstrual products that contain, whether intentionally or unintentionally, concentrations of PFAS at or above 10 parts per million (ppm).
- 3) Provides that a person or entity that violates of these provisions is liable for a civil penalty not to exceed \$5,000 for a first violation, and not to exceed \$10,000 for each subsequent violation, upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney.
- 4) Specifies that these provisions do not impair or impede any other rights, causes of action, claims, or defenses available under any other law. The remedies provided in this bill are cumulative with any other remedies available under any other law.
- 5) Requires a manufacturer of a menstrual product to provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the menstrual product is in compliance with the requirements of these provisions and does not contain any regulated PFAS.
- 6) Specifies that a distributor or retailer of a menstrual product, if they are not also the manufacturer of the product, will not be held in violation of these provisions if they relied in good faith on the certificate of compliance provided by the manufacturer pursuant to 5), above.
- 7) Defines various terms for these purposes.
 - a) "Manufacturer" means either of the following:
 - i. a person or entity who manufactures the designated product and whose name appears on the product label; or
 - ii. a person or entity who the product is manufactured for or distributed by, as identified on the product label pursuant to the federal Fair Packaging and Labeling Act.
 - b) "Menstrual product" means a product used to collect menstruation and vaginal discharge, including, but not limited to, tampons, pads, sponges,

- menstruation underwear, disks, and menstrual cups, whether disposable or reusable.
- c) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
 - d) “Regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS” means either of the following:
 - i. PFAS that a manufacturer has intentionally added to a product and that has a functional or technical effect in the product, including the PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product; or
 - ii. commencing January 1, 2027, the presence of PFAS in a product or product component at or above 10 parts per million, as measured in total organic fluorine.

COMMENTS

1. Stated need for the bill

The author writes:

These once ubiquitous, forever compounds have been linked to health problems, including breast and other cancers, hormone disruption, kidney and liver damage, thyroid disease, developmental harm, and immune system disruption. The presence of PFAS in menstrual products contributes to existing gender health inequities as exposure to PFAS is almost unavoidable. In a recent study, 48% of sanitary pads, incontinence pads, and panty liners tested were found to contain PFAS, as were 22% of tampons. Additionally, menstrual products have shown higher levels of PFAS than the levels found in tap water.

AB 246 takes a critical step towards protecting women’s health and reducing the amount of PFAS in the environment by eliminating polyfluoroalkyl substances (PFAS) from menstrual products. California’s pursuit for gender equity and clean drinking waters requires action to ensure that feminine hygiene products are safe, clean and free from forever chemicals. With viable alternatives available, there is no longer a good rationale for their use in menstrual products. Women’s health must be prioritized over the use of these unnecessary chemicals. It’s past time to protect women and our environment.

2. Bill bans PFAS in menstrual products

This bill was first heard by the Senate Environmental Quality Committee, which has primary jurisdiction over the majority of the provisions in this bill, including, but not limited to, the effects of PFAS on the environment and human health, the level of PFAS

that is acceptable in menstrual products, how PFAS should be measured under the bill's provisions, and the existing and future testing capabilities for PFAS. As such this analysis will focus on the provisions of this bill in the primary jurisdiction of this Committee, mainly the enforcement mechanism of the bill through the imposition of civil penalties. For a detailed analysis of PFAS and the environmental effects see the Senate Environmental Quality Committee analysis of this bill.¹

This bill intends to address the issue of PFAS in menstrual products in two ways. First, it prohibits a person from manufacturing, distributing, selling, or offering for sale in the state any menstrual products that contain intentionally added PFAS beginning January 1, 2025. Second, the bill prohibits, beginning January 1, 2027, a person from manufacturing, distributing, selling, or offering for sale in the state any menstrual products that contain concentrations of PFAS at or above 10 parts per million (ppm), regardless if intentionally or unintentionally added.

a. PFAS in menstrual products

The Senate Environmental Quality Committee notes that in the U.S. “approximately 72.7 million women are of reproductive age (15-49).²” That Committee noted “[e]xposure to PFAS through menstrual products is particularly concerning because the vagina is an extremely vascular area and dermal exposure in the vaginal area is often higher than other places of the body” and “people using menstrual products are of reproductive age, thus exposure could potentially impact unborn children as well as the person using the product.”³ That Committee further noted:

According to the US EPA, current peer-reviewed scientific studies have shown that exposure to certain levels of PFAS may lead to: reproductive effects such as decreased fertility or increased high blood pressure in pregnant women; developmental effects or delays in children, including low birth weight, accelerated puberty, bone variations, or behavioral changes; increased risk of some cancers, including prostate, kidney, and testicular cancers; reduced ability of the body's immune system to fight infections, including reduced vaccine response; interference with the body's natural hormones; and, increased cholesterol levels and/or risk of obesity.⁴

In regards the evidence provided about the existence of PFAS in menstrual products, that Committee stated:

To illustrate the prevalence of PFAS in menstrual products, the author of the bill points to tests on menstrual products commissioned by the consumer watchdog site, Mamavation, and Environmental Health News. The tests for this study were

¹ Sen. Environmental Quality Committee analysis of AB 246 (2023-24 Reg. Sess.) as amended April 12, 2023.

² *Id.* at 6.

³ *Id.* at 6.

⁴ *Id.* at 5.

conducted at US EPA-certified laboratories between 2020 and 2022 and detected organic fluorine, a marker for PFAS, in several menstrual products. The study found PFAS at concentrations ranging from 19 to 28 ppm in 22% of 23 tested tampon products. Of 46 sanitary pads, panty liners, and incontinence pads tested, 48% showed concentrations ranging from 11 to 154 ppm. Additional tests of period underwear products found that 65% had PFAS at concentrations ranging from 10 to 940 ppm. Detections of PFAS at concentrations greater than 3,000 ppm in period underwear had previously led to a high-profile lawsuit against the manufacturer, which was settled in January 2023.⁵

- b. *California has a long history of regulating PFAS in consumer products and is not alone in regulating these “forever chemicals”*

The Legislature has enacted numerous bills addressing the issue of PFAS at different levels across various products – *see* the Prior Legislation section, below. California is not the only state concerned with PFAS, as just this year 195 new bills were introduced in dozens of state legislatures across the country seeking to ban PFAS in an expanding list of products.⁶ Earlier this year, the European Union (EU), proposed an across-the-board ban on the use of PFAS that, if adopted, would likely become effective in 2027 – the same year that the ban on the unintentional level of PFAS at 10 ppm would go into effect under this bill. However, the proposal is in initial stages and currently undergoing a consultation period where stakeholders may provide comments to the European Chemical Agency before final adoption, and as such could change from its current form. The current proposal suggests two potential regulatory approaches: one approach would include a total ban on PFAS above a threshold amount after a limited 18-month transition period, and the second approach would include a similar ban except there would be limited exemptions and/or phase-ins for certain as yet defined categories of PFAS use, which would likely be time-limited as well. The EU’s proposal would ban concentration limits in mixtures and articles above 25 parts per billion of any PFAS (based on targeted analysis), 250 parts per billion of any combination of PFAS substances (either based on targeted analysis of a sample, or after chemical degradation of a sample), and 50 parts per million of PFAS (inclusive of polymeric PFAS).⁷ The third standard applies where the first two standards are not applicable (e.g., for fluoropolymers).⁸

⁵ *Id.* at 6.

⁶ Kimberly Kindy, *States take matters into their own hands to ban ‘forever chemicals’*, Washington Post (Jun 5, 2023), available at <https://www.washingtonpost.com/politics/2023/06/05/forever-chemicals-state-bans-pfas/>.

⁷ European Chemical Agency, Annex V Restriction Report, v. 2 (Mar. 22, 2023) at p. 75, available at <https://echa.europa.eu/documents/10162/f605d4b5-7c17-7414-8823-b49b9fd43aea>.

⁸ *Ibid.*

c. Opposition concerns

The bill's opposition is opposed unless amended to address their concerns with the bill. The opposition has no issue with the ban on intentionally added PFAS and have stated that none of their members intentionally add PFAS to the menstrual products they manufacture. They claim that PFAS chemicals are ubiquitous in the environment and can be present in natural or synthetic ingredients, recycled content, manufacturing processes and equipment, and potentially through the storage of the product and, therefore, unintentional PFAS contamination may extend beyond what a manufacturer can control.

According to the opposition, testing products down to 10 ppm is often unreliable. They further note that Vermont is currently considering legislation to ban PFAS in specified products, including menstrual products, but the Vermont legislation provides a manufacturer would not be considered in violation of the prohibition if the product contains technically unavoidable trace quantities of PFAS when the trace quantity is the result of: natural or synthetic ingredients, the manufacturing process, storage; or migration from packaging.⁹ They would like similar language in this bill. They also would like clarity around what each violation in the bill constitutes, and the ability to be given a notice of any potential violation and 180 days to come into compliance with the bill's provisions.

The Senate Environmental Quality Committee analyzed the unintentional PFAS threshold and concluded:

Such a threshold may be warranted because determining whether PFAS were intentionally added in the manufacturing of a product can be a challenge when certain manufacturing information is proprietary or contaminated product components are used. Setting a concentration threshold can further protect public health, but the chosen concentration should be appropriate. There is no concentration of PFAS that has been proven safe, and as long-lasting chemicals, they build up in the human body and in the environment over time. PFAS in different types of products may be of greater concern than others depending on how likely the chemicals are to enter the body. A menstrual product containing PFAS likely poses a more acute health risk than, for example, a jacket containing PFAS. Even if direct exposure to the product is limited, any PFAS in a product can, eventually, end up in the environment, including in drinking water.¹⁰

Supporters of the bill also note that several other bills have enacted a ban on unintentional PFAS, including AB 1817 (Ting, Chapter 762, Statutes of 2022) for textiles at 100 ppm as of 2025 and 50 ppm as of 2027, AB 1200 (Ting, Chapter 503, Statutes of

⁹ VT Sen. Bill 25 (2023-24 Reg. Sess.).

¹⁰ Sen. Environmental Quality Committee analysis of AB 246 (2023-24 Reg. Sess.) as amended April 12, 2023 a p. 8.

2021) food packaging at 100 ppm, and AB 652 (Freidman, Chapter 500, Statutes of 2021) children's products at 100 ppm. These bills all made the unintentional ban effective immediately or, in the case of AB 1817, provided for a step down approach.

3. Enforcement mechanism under the bill

This bill provides for enforcement through civil liability. A violation of these provisions, upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney, makes a person liable for a civil penalty not to exceed \$5,000 for a first violation, and not to exceed \$10,000 for each subsequent violation. The bill expressly states that it does not impair or impede any other rights, causes of action, claims, or defenses available under any other law, and that the remedies provided in this section are cumulative with any other remedies available under any other law. The enforcement mechanism in the bill is unclear as to what "each violation" means. Does it mean each individual menstrual product, each box, or other measurement?

The author states that the enforcement provision in this bill is modeled after the one provided for in SB 1044 (Allen, Ch. 308, Stats. 2020), which prohibited the manufacture, sale, distribution, and use of firefighting foam containing PFAS chemicals by January 1, 2022. SB 1044 was not heard by this Committee. SB 1044 applied to the intentional addition of PFAS in firefighter personal protective equipment and firefighting foam. Additionally, the products SB 1044 applied to are very different in how they are manufactured and sold than menstrual products. The other PFAS prohibition bills mentioned earlier in the analysis also did not go through this Committee as they did not contain specific civil penalty enforcement language. Those bills prohibitions would therefore need to be enforced through other existing statutory frameworks, such as the Unfair Competition Law (UCL). (Bus. & Prof. Code § 17200 et seq.) The UCL provides remedies for "anything that can properly be called a business practice and that at the same time is forbidden by law." (*Cel-Tech Communications, Inc. v. Los Angeles Cellular Telephone Co.* (1999) 20 Cal.4th 163, 180 [citations omitted].)

Due process concerns may call for more specificity into what each violation means in order to provide adequate notice to manufacturers on how to comply with the bill's provisions. As such, the Committee may wish to amend the bill to specify that a violation is each noncompliant product, and that products belonging to the same stock keeping unit (SKU) as the noncompliant menstrual product is considered part of the same, single violation. In order to ensure that the civil penalty effectively serves as a deterrence, the Committee may also wish to amend the bill to make the civil penalty be \$10,000 per day for each violation.

Lastly, the bill requires a manufacturer of a menstrual product to provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the menstrual product is in compliance with the requirements of these provisions and does not contain any regulated PFAS. A similar provision is included in the textile PFAS prohibition statute (AB 1817 (Ting, Chapter 762, Statutes of 2022.)) A

distributor or retailer, so long as they are not also the manufacturer, will not be held in violation of these provisions if they relied in good faith on the certificate of compliance provided by the manufacturer.

4. Proposed amendments

The specific amendments to address the issues regarding the enforcement mechanism raised above are:¹¹

Section 108986 as added to the Health and Safety Code is amended to read:

(a) Commencing January 1, 2025, no person shall manufacture, distribute, sell, or offer for sale in the state any menstrual products that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS.

(b) A manufacturer shall use the least toxic alternative, including alternative design, when removing regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS in menstrual products to comply with this chapter.

(c) A manufacturer of a menstrual product shall provide persons that offer the product for sale or distribution in the state with a certificate of compliance stating that the menstrual product is in compliance with the requirements of this chapter and does not contain any regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS. A certificate of compliance provided pursuant to this subdivision shall be signed by an authorized official of the manufacturer. The certificate of compliance may be provided electronically.

(d) A distributor or retailer of a menstrual product, if they are not also the manufacturer of the product, shall not be held in violation of this chapter if they relied in good faith on the certificate of compliance provided by the manufacturer pursuant to subdivision (c).

(e) (1) ~~Upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney, a~~ A person or entity that violates this section shall be liable for a civil penalty ~~not to exceed five thousand dollars (\$5,000) for a first violation, and~~ not to exceed ten thousand dollars (\$10,000) *per day* for each ~~subsequent violation.~~ *violation. The civil penalties under this subdivision shall begin accruing on the date an action is brought pursuant to paragraph (2).*

(2) *An action to enforce this section may be brought by the Attorney General, a city attorney, a county counsel, or a district attorney in a court of competent jurisdiction.*

¹¹ The amendments may also include technical, nonsubstantive changes recommended by the Office of Legislative Counsel.

(3) For purposes of this section, a violation is deemed to have occurred upon the manufacture, distribution, sale, or offer for sale, as applicable, of a menstrual product in violation of this section. Menstrual products that belong to the same stock keeping unit (SKU) as the menstrual product in violation of this section and that are manufactured, distributed, sold, or offered for sale, as applicable, prior to an action brought under paragraph (2) are considered part of the same, single violation.

~~(2)~~ (f) This section does not impair or impede any other rights, causes of action, claims, or defenses available under any other law. The remedies provided in this section are cumulative with any other remedies available under any other law.

5. Statements in support

A coalition of environmental organizations and health advocacy groups write in support stating:

AB 246 is in line with other bills passed by this Legislature to ban PFAS in textiles, children's products, and food packaging by defining regulated PFAS as PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product as well as the presence of PFAS in a product or product component at or above a specified threshold, as measured in total organic fluorine.

Setting a robust threshold is especially important in AB 246 because it addresses the use of PFAS in products that are used within, or in close contact with sensitive parts of women's bodies. Given that these chemicals are associated with reproductive harm, cancers, immune system interference and other serious health impacts, they have no business being used in such intimate personal care products. In addition, their use can contribute to water contamination when reusable products are washed or others are disposed of.

Given our experience working on PFAS related bans over the years, we would respectfully point out that AB 246 does break with precedent by delaying the threshold for unintentional PFAS for two years. The aforementioned bills all established thresholds upon the bill's effective date. In the case of textiles, it was clear that testing capacities change with time. As a result, AB 1817 (Ting-2022) had an interim threshold upon the bill's effective date while lowering it significantly 2 years later. Given the exposure potential associated with menstrual products, while we support the bill, we would strongly recommend that AB 246 align with this precedent and set either the 10 ppm threshold in 2025 or set a less stringent threshold initially and lower it to 10 in 2027 to give companies time to do the necessary testing.

6. Statements in opposition

A coalition of associations representing manufacturers of menstrual products write in opposition unless amended stating:

As currently proposed, AB 246 creates significant compliance challenges for manufacturers of these covered products distributed across the North American marketplace, and it also creates new liabilities for PFAS contamination that are NOT intentionally added to a finished product. Collectively, our manufacturers do not intentionally add PFAS to serve any functional or technical effect in menstrual products. [...]

However, AB 246 intends to include PFAS not intentionally added to a menstrual product in instances where the presence of the substance is at the level of 10 parts per million (PPM), as measured in total organic fluorine. This threshold is a significant departure from previous legislative policies like SB 1044 (Allen, 2020), AB 1200 (Ting, 2021), AB 652 (Friedman, 2021), AB 1817 (Ting, 2022), and AB 2771 (Friedman, 2022). [...]

The challenge presented with unintentional PFAS contamination is that it may extend beyond what a manufacturer can control. PFAS are ubiquitous, as they are detected in air emissions, wastewater, soils, surface water, and groundwater and can also be found with no obvious source at all. Expanding state legislative policy that now includes unintentionally added PFAS requires further regulatory guidance and oversight from state regulators. We know that product testing data down to ten parts per million (PPM) is often unreliable, especially given that PFAS are not intentionally added to serve any functional or technical effect in a product. The state may find it much more prudent to establish a threshold of 100PPM while also authorizing California's Department of Toxic and Substances Control (DTSC) to determine whether PFAS thresholds should be modified based on an evaluation of the accuracy and precision of available testing methodologies.

SUPPORT

A Voice for Choice Advocacy
American College of Obstetricians and Gynecologists District IX
Breast Cancer Prevention Partners
California Association of Sanitation Agencies
California Professional Firefighters
California Water Service
Californians Against Waste
CALPIRG
Center for Public Environmental Oversight
City of Camarillo
CleanEarth4Kids.org

Clean Seas Lobbying Coalition
Clean Water Action
Environmental Working Group
Green Science Policy Institute
Irvine Ranch Water District
Legislative Women's Caucus
Los Angeles County Sanitation Districts
NARAL Pro-Choice California
National Stewardship Action Council
Natural Resources Defense Council
Orange County Sanitation District
Republic Services
Responsible Purchasing Network
San Diego County Water Authority
Sierra Club California
Solano County Democratic Central Committee
Women's Voices for the Earth
Yorba Linda Water District

OPPOSITION

American Chemistry Council
American Forest & Paper Association
California Manufacturers & Technology Association
Center for Baby and Adult Hygiene Products
Consumer Healthcare Products Association

RELATED LEGISLATION

Pending Legislation:

AB 727 (Weber, 2023) prohibits, beginning January 1, 2025, a person from manufacturing, selling, delivering, distributing, holding, or offering for sale, a cleaning product that contains intentionally-added PFAS or PFAS at or above 50 PPM, and on January 1, 2027, a cleaning product that contains PFAS at or above 25 PPM. AB 727 will be heard in this Committee on the same day as this bill.

AB 1423 (Schiavo, 2023) prohibits, commencing January 1, 2025, a person or entity from manufacturing, distributing, selling, or offering for sale in the state any covered surface that contains PFAS, as defined, and prohibits, commencing January 1, 2024, a public entity, a public or private school, or a public or private institution of higher learning, as specified, from purchasing or installing a covered surface that contains PFAS. This bill is pending before the Senate Environmental Quality Committee.

Prior Legislation:

AB 1817 (Ting, Ch. 762, Stat. 2022) prohibited, beginning January 1, 2024, a person from distributing, selling, or offering for sale in the state a textile article, as defined, that contains regulated PFAS, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with the provisions of the bill.

AB 2771 (Friedman, Ch. 804, Stats. 2022) prohibited, commencing January 1, 2025, a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains intentionally added PFAS.

AB 1200 (Ting, Ch. 503, Stats. 2021) prohibited, commencing January 1, 2023, the sale of food packaging that contains PFAS; requires, commencing January 1, 2024, cookware manufacturers to label their product if it contains an intentionally added chemical on specified lists.

AB 652 (Freidman, Ch. 500, Stats. 2021) prohibited, on or after July 1, 2023, a person from selling or distributing in commerce any new juvenile products that contain PFAS.

SB 1044 (Allen, Ch. 308, Stats. 2020) prohibited the manufacture, sale, distribution, and use of firefighting foam containing intentionally added PFAS chemicals by January 1, 2022, with some exceptions, and requires notification of the presence of PFAS in the protective equipment of firefighters.

SB 1056 (Portantino, 2020) would have required the State Water Board to establish an analytical laboratory method that can be used as a tool to assess the extent of PFAS contamination in drinking water, surface water, groundwater, and wastewater. This bill was held in the Senate Environmental Quality Committee.

AB 1989 (Cristina Garcia, Ch. 272, Stats. 2020) enacted the Menstrual Products Right to Know Act of 2020.

AB 756 (Cristina Garcia, Ch. 162, Stats. 2019) authorized the State Water Board to order one or more public water systems to monitor for PFAS and required municipalities to notify consumers for PFAS detected above notification levels.

AB 958 (Ting, 2018) would have required a manufacturer of food packaging or cookware sold in the state to visibly disclose on an exterior location of the food packaging or cookware packaging a specified statement relating to the presence of PFAS in the product. This bill was held on the Senate Floor.

SB 1313 (Corbett, 2008) would have prohibited the manufacture, sale, or distribution of any food contact substance, as defined, which contains perfluorinated compounds, as defined, in any concentration exceeding 10 parts per billion. This bill was vetoed by

then Governor Arnold Schwarzenegger whose veto message said, "I have signed AB 1879 (Feuer) and SB 509 (Simitian) which mark the beginning of California's historic Green Chemistry Initiative. It is within this process that chemicals like PFCs should be addressed."

PRIOR VOTES

Senate Environmental Quality Committee (Ayes 5, Noes 0)

Assembly Floor (Ayes 70, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Environmental Safety and Toxic Materials Committee (Ayes 8, Noes 0)
