Leather and Hide Council of America

Environmental Issues Update: Proposition 65 and PFAS

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Chicago

Joseph Green
Kelley Drye & Warren, LLP
202.342.8849
JGreen@KelleyDrye.com

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Today's Agenda

- Hexavalent Chromium
  - Proposition 65: Status
- Bisphenols
- PFAS
  - Update on Federal Regulation
  - TSCA Reporting

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Hexavalent Chromium

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Proposition 65: Hexavalent Chromium

- Status Update: ** No Major Developments **
  - Court approved settlement agreement: February 21, 2024 (*Bali Leathers* and *Tommy Bahama*)
    - Includes all defendants; new companies continue to be added (violation notices or “opt-in”)
    - Footwear/glove manufacturers agree to source leather (components that may come into direct skin contact) from tanneries that certify to producing leather following best practices to minimize CrVI formation
      - Self-certification to the “Tannery Protocol”
      - LWG-Gold overall rating (version 7.2.2 or subsequent) OR has attained Gold in the LWG Audit Protocol section “Restricted Substances, Compliance & Chromium VI Management” (currently Section 9)
    - Plaintiff will monitor compliance – if CrVI is detected in footwear/glove products, manufacturer will have to produce evidence showing that the leather was from a certified tannery
      - Can cite Cr6 data below 3 ppm
    - 100% compliance by December 31, 2025; 75% by June 30, 2025

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Proposition 65: Hexavalent Chromium

- What to Expect/Look Out For
  - **Certification requests from customers (footwear and gloves)**
    - Suppliers (tanneries/distributors): provide/obtain certification and maintain copies for 5 years; provide upon request
  - **Scope of Settlement**: ONLY Gloves/Footwear for which normal and foreseeable use will result in Chrome-Tanned Leather components coming into direct contact with the skin of the average user
    - Other plaintiffs bringing actions against other leather products (including gloves/shoes without direct skin contact) (handbags, organizers, welding aprons, wallets, belts, trays, holsters, satchels)
  - **Confusion from labs/customers regarding "chrome-free leather"**
    - Early settlements include an unworkable definition of "chrome-free leather"
    - 2022 settlement has correct definition of "Chrome-Free Leather"
      - (a) the skin or hide used to make the leather was converted to leather by tanning agents free of chromium salts, including but not limited to chromium sulfate; (b) the leather was not intentionally treated, dyed or exposed to chemicals that contain chromium as an intended ingredient; and (c) the total content of the chromium in the tanned leather is less than or equal to 0.1% (mass of chromium/total dry weight of leather) when measured using ISO 17072-2 (consistent with ISO 15115)

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Proposition 65: Hexavalent Chromium

- **Discussion**
  - Any concerns so far in complying with the settlement terms?
    - Have any customers informed you that leather supplied to them tested “positive” for hexavalent chromium? If so, did the plaintiff test?
      - Please let me know if so
  - Are customers requesting certifications re: hexavalent chromium?
  - Are tanneries providing Prop 65 warnings?
    - For lead or otherwise?

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Bisphenols

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EU: Bisphenols

- EU Restrictions on 5 bisphenols in leather withdrawn
  - Original proposal would have come into force in 2025 (500 ppm) (10 ppm expected in 2030)
  - Expected that German regulators will re-propose a scaled-back version in early 2026
    - Requires multiple rounds of committee reviews
    - Will be several years before becomes effective, if at all
- Many leather products currently have 500-1000 ppm BPS
- EU regulations for BPS still require:
  - BPS listed as REACH “candidate list” Substance of Very High Concern (SVHC)
    - Triggers REACH/ECHA notification requirements if >0.1% and over 1 tonne
  - Labelling mixtures > 0.3 % BPS as reprotoxic for fertility, category 1B
  - Mixtures > 0.1 % BPS noted in chapter 3 of the SDS
- NOTE: important to monitor an EU proposal to restrict sensitizers … appears to be dead but has not been withdrawn; could have serious implications for leather if adopted

Bisphenols

- **California** Bill (AB 405) would restrict BPA to 10 ppm in textiles/leather, BPB & BPF to 100 ppm, and all other bisphenols to 200 ppm
  - CA legislature will revisit in early 2026
  - AFIRM is planning to engage
- **AFIRM** 2025 update to Restricted Substances List
  - Includes revisions to the entries for Bisphenols and Per- and Polyfluoroalkyl Substances (“PFAS”)
  - For bisphenols, the BPA limit in textiles and leather was lowered to 10 ppm; for BPS, BPB, and BPF limits were lowered to 200 ppm in textiles and 800 ppm in leather
    - The RSL includes a note emphasizing that “[c]ompliance with bisphenol (and other) limits in the AFIRM RSL does not prevent public or private enforcers from asserting that products violate California Proposition 65 warning obligations.”
  - For PFAS, the total organic fluorine(“TOF”) limit was lowered to 50 ppm (consistent with California law related to PFAS in textiles). New limits and restrictions also were adopted for PFOS and PFHxA

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Proposition 65: Bisphenol S

- Dec. 29, 2023: Bisphenol S newly listed under Prop 65
  - Reproductive toxin (female)
  - Reproductive toxin (male) – effective January 2025
  - BPA listed for Repro Tox (2015) and Developmental Tox (2020)
- One year "grace period" for enforcement
  - Plaintiffs started issuing notices of violation as of January 2025
- Massive lawsuit ongoing involving over 200 companies (mostly retailers) that received Prop 65 Notices of Violation for BPS in . . . ***cash register (thermal) receipt paper (!)***
  - Likely to settle along the lines of a similar case involving BPA several years ago
  - **Renewed criticism of Prop 65**
- Proposition 65 imposes civil penalties of up to $2,500 per violation
  - Violation = each sale

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Proposition 65: Bisphenol S

- What is the Prop 65 limit for providing a BPS warning?
  - We still don't know!
    - California did not adopt a "safe harbor" level (MADL) … therefore, the industry/company must determine the "safe level" (and be able to defend that level if challenged)
      - Without a state-approved safe harbor level:
        - Companies should assume that private enforcers will serve notices of violation if there is any detectable amount of BPS
        - The burden then shifts to the alleged violator to prove the product does not require a warning, including through performance of quantitative risk assessments and exposure assessments.
    - For BPA, the MADL is 3 ug/day (for dermal exposure from solid objects)

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Proposition 65: Bisphenol S

- Ongoing Industry Toxicity Evaluation ** No Significant Update **
  - AFIRM/AAFA considering options for “Safe Use Determination”
    - Written statement by California OEHHA addressing whether an exposure to a listed chemical from specific products requires a warning (*i.e.*, is the exposure below the safe harbor number)
  - Current status: Developing a “safe harbor” exposure level (MADL) is very challenging
    - Toxicity and exposure potential data are highly variable which makes difficult identifying “safe” level that is acceptable to OEHHA/courts/plaintiffs
    - Significant gaps in the available tox data; likely a need for more testing
- **WARNING: May be required for BPS-containing products**
  - **Providing a warning is the only practical way to avoid enforcement action under Prop 65 for products that contain BPS (assuming there may be some, even minimal, exposure to the chemical)**

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Proposition 65: Warnings for Leather Products?

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Proposition 65: Provide Warning?

- *Should you provide a warning?*
  - Some companies provide a Prop 65 warning for their leather products – one listed chemical for each endpoint (cancer/repro tox) (Lead covers both endpoints)

⚠ [CALIFORNIA][PROPOSITION 65] **WARNING**: This product can expose you to chemicals including lead, which is known to the State of California to cause cancer, birth defects or other reproductive harm. For more information, go to www.P65Warnings.ca.gov.

  - **If provide warning for lead, no warning needed for other potential Prop 65 chemicals in leather**
  - Clearest means of avoiding Prop 65 liability/expense of enforcement action
  - Explanatory website page to put the warning in context
    - Prop 65 warnings do not indicate a risk to human health (the warning level is set very low, typically an order of magnitude lower than the level at which health effects have been identified from exposure to the listed substance) and the warning is being provided given the aggressive litigious nature of California plaintiffs
  - Prop 65 warnings are so common that many consumers – particularly those in California – do not notice or care about them
    - Outside of CA, the reaction is often different as people are not as used to the CA warnings
  - There are steps that can be taken to limit the warnings only to CA transactions (on-line or in-store).

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PFAS:
Federal U.S. Regulation

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Top-Down Federal Regulation

- While the Trump environmental agenda is focused on deregulation and energy issues, PFAS are one area that remain a focus for EPA…demonstrated clearly by determination to retain and defend CERCLA/Superfund listing of PFOA/PFOS

*"I have long been concerned about PFAS and the efforts to help states and communities dealing with legacy contamination in their backyards. **With today's announcement, we are tackling PFAS from all of EPA's program offices, advancing research and testing, stopping PFAS from getting into drinking water systems, holding polluters accountable, and providing certainty for passive receivers**. This is just a start of the work we will do on PFAS to ensure Americans have the cleanest air, land, and water"* - EPA Administrator Lee Zeldin

- April 28, 2025: EPA releases "three pillars" of its PFAS action plan

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Top-Down Federal Regulation

- **Pillar 1: Strengthening the Science**
  - Designate an **agency lead for PFAS** to better align and manage PFAS efforts across agency programs
  - Implement a PFAS **testing strategy** under TSCA Section 4 to seek scientific information informed by hazard characteristics and exposure pathways
  - Launch additional efforts on air related PFAS information collection and measurement techniques related to **air emissions**
  - Identify and address available information gaps where not all PFAS can be measured and controlled
  - Provide more frequent updates to the **PFAS Destruction and Disposal Guidance**—changing from every three years to annually—as EPA continues to assess the effectiveness of available treatment technologies
  - Ramp up the development of **testing methods** to improve detection and strategies to address PFAS

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Top-Down Federal Regulation

- **Pillar 2: Fulfilling Statutory Obligations and Enhancing Communication**
  - Develop **effluent limitations guidelines** (ELGs) for PFAS manufacturers and metal finishers and evaluate other ELGs necessary for reduction of PFAS discharges
  - Address the most significant compliance challenges and requests from Congress and drinking water systems related to **national primary drinking water regulations** for certain PFAS
  - Determine how to better use **RCRA authorities to address releases** from manufacturing operations of both producers and users of PFAS
  - Add PFAS to the **Toxic Release Inventory (TRI)** in line with Congressional direction from the 2020 National Defense Authorization Act
  - Enforce **Clean Water Act and TSCA limitations on PFAS use and release** to prevent further contamination
  - Use Safe Drinking Water Act authority to **investigate and address immediate endangerment**
  - Achieve more effective outcomes by **prioritizing risk-based review of new and existing PFAS chemicals**
  - **Implement TSCA section 8(a)(7) to smartly collect necessary information, as Congress envisioned and consistent with TSCA, without overburdening small businesses and article importers.**
  - Work with Congress and industry to **establish a clear liability framework that operates on polluter pays and protects passive receivers**

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Top-Down Federal Regulation

- **Pillar 3: Building Partnerships**
  - Advance **remediation and cleanup efforts** where drinking water supplies are impacted by PFAS contamination
  - **Work with states** to assess risks from PFAS contamination and the development of analytical and risk assessment tools
  - Finish public comment period for **biosolids risk assessment** and determine path forward based on comments
  - Provide assistance to states and tribes on enforcement efforts
  - Review and evaluate any pending state air petitions
  - Resource and support investigations into violations to **hold polluters accountable**

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PFAS: Federal Actions

Issue	Update
CERCLA Designation for certain PFAS	Sept. 17: EPA announced it would **retain and defend CERCLA Designation of PFOA/PFOS**
Statutory **"Passive Receiver" Relief from CERCLA/Superfund liability**	• Sen. Capito reiterated commitment to "passive receiver" protection legislation • Admin. Zeldin pledged to work with Congress • **BIG issue for agriculture**, water utilities, recyclers
"Passive Receiver" Enforcement Discretion	In the meantime… EPA states they will use **"enforcement discretion"** to not target "passive receivers"

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Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")/Superfund

- May impose liability on owners, operators, arrangers, and transporters, who owned or operated properties contaminated with PFAS or transported or arranged for the transportation of PFAS for disposal.
- EPA can force parties that it deems to be polluters to either cleanup the polluted site or reimburse the EPA for the full remediation of the contaminated site.
- May 2024 – EPA officially lists perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) as "hazardous substances"
  - September 2025: EPA announces it will **retain and defend CERCLA Designation of PFOA/PFOS**
    - Litigation challenge will re-commence (U.S. Court of Appeals for the D.C. Circuit had paused challenge while EPA reassessed the rule.

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PFAS: Federal Actions

Issue	Update
Proposed Designation of 9 PFAS as Hazardous Constituents under RCRA	Subject to Regulatory "Freeze" April 28, 2025 PFAS Plan: indicated role for RCRA to address PFAS releases during corrective action September 2025 EPA Unified Agenda: April 2026 final rule (Feb. 2024 proposal)
Proposed Definition of Hazardous Waste For RCRA Corrective Action	Subject to Regulatory "Freeze" Feb. 2024 proposal to "clarify" that, during corrective action, regulators have **authority to address any substance that meets the statutory definition of hazardous waste, even if the substance has not formally been designated as such through regulation** September 2025 EPA Unified Agenda: April 2026 final rule
MCLs for PFAS under Safe Drinking Water Act	Feb. 10, 2025: Litigation held in abeyance per EPA motion May 14, 2025: EPA Press Announcement • **Retain current PFOA and PFOS limits**; • **Rescind regs & reconsider determinations for other PFAS** (PFHxS, PFNA, HFPO-DA)("GenX") (+ hazard index mixture of these 3 PFBS); • Extend compliance deadline by 2 years (2029 to 2031) • Establish an exemption framework; September 2025 EPA Unified Agenda: Proposal Oct. 2025/Final April 2026

Resource Conservation and Recovery Act ("RCRA")

- Feb. 2024: EPA proposed nine PFAS to be classified as RCRA "hazardous "constituents"
  - First step to becoming "hazardous waste" under RCRA
- The chemicals proposed for listing as hazardous constituents are:
  - Perfluorooctanoic acid (PFOA)
  - Perfluorooctanesulfonic acid (PFOS)
  - Perfluorobutanesulfonic acid (PFBS)
  - Hexafluoropropylene oxide-dimer acid (HFPO-DA/GenX)
  - Perfluorononanoic acid (PFNA)
  - Perfluorohexanesulfonic acid (PFHxS)
  - Perfluorodecanoic acid (PFDA)
  - Perfluorohexanoic acid (PFHxA)
  - Perfluorobutanoic acid (PFBA)
- Listing allows regulators to require investigations, cleanups, and other actions for hazardous constituents at RCRA facilities
  - Parallel proposed rule would codify position that EPA/state regulators have **authority to address any substance that meets the statutory definition of hazardous waste, even if the substance has not formally been designated as such through regulation**
- April 2026 final rule

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Safe Drinking Water Act ("SDWA")

- Pending proposal to revise with final rule April 2026
- New legally-enforceable Maximum Contaminant Levels (MCLs), as well as health based, non-enforceable Maximum Contaminant Level Goals (MCLGs), for two ~~six~~ PFAS in drinking water at the following levels:

Compound	MCLG	MCL (Enforceable)
Perfluorooctanoic acid (PFOA)	Zero	4.0 parts per trillion ("ppt")
Perfluorooctane sulfonic acid (PFOS)	Zero	4.0 ppt
~~**Perfluorohexane sulfonate (PFHxS)**~~	~~10 ppt~~	~~10 ppt~~
~~**Perfluorononanoic acid (PFNA)**~~	~~10 ppt~~	~~10 ppt~~
~~**Hexafluoropropylene Oxide Dimer Acid (HFPO-DA) (also referred to as GenX)**~~	~~10 ppt~~	~~10 ppt~~
~~**Mixtures containing two or more of the following: PFHxS, PFNA, HFPO-DA, and perfluorobutane sulfonate (PFBS)**~~	~~1 (unitless)~~ - ~~Hazard Index~~	~~1 (unitless)~~ - ~~Hazard Index~~

- Water Utility Monitoring Requirements:
  - Limits are near practical limit of detection
  - Three years to complete initial monitoring - ongoing compliance monitoring required thereafter.
  - Must publicly disclose monitoring data and other information beginning in 2027.
- Compliance with MCLs:
  - By 2029, Water utilities must implement solutions to reduce PFAS to MCLs
  - After 2029, MCL exceedances must be reported to the public

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PFAS: Federal Actions

Issue	Update
CWA – ELGs	April 28, 2025 Zeldin announcement indicated ELGs development for metal finishers and "other reduction of PFAS discharges"
EPCRA – Addition of PFAS to the Toxic Release Inventory	**Continued addition of PFAS to TRI per 2020 NDAA** – Final Rule Feb. 2026 **TRI supplier notification** required as of January 1 for any NDAA-added PFAS – Final rule Nov. 2025
TSCA 8(a)(7) PFAS Reporting	May 13, 2025 EPA **Delays Reporting**: • Reporting start date moved from July 11, 2025 to Apr. 13, 2026; • New Reporting Deadlines: Oct.13, 2026 (Apr. 13, 2027 for small manufacturers reporting exclusively as articles importers); • Due to delay in development of reporting software **EPA rule revisions (articles exemption; reduce "look back" period; etc.) – NPRM Dec. 2025; Final rule June 2026**
Proposed 2026 Stormwater MSGP	Dec. 13, 2024 Proposal: Included indicator monitoring for 40 PFAS in 23 sectors EPA reviewing comments
Hazardous Air Pollutants ("HAPs") Listing	Aug. 29, 2024: NC, NJ, & NM petitioned EPA to list 4 PFAS as HAPs • PFOA, PFOS, PFNA, & HFPO-DA (GenX) • Apr. 28, 2025 PFAS Plan: will "review and evaluate any pending state air petitions"

Emergency Planning and Community Right-to-Know Act

- **Toxic Release Inventory ("TRI")**
  - Facilities that manufacture, process or otherwise use TRI-listed chemicals above the 100-pound annual threshold must report releases and other waste management activities involving these substances.
- **EPA eliminated use of the *de minimis* exemption for PFAS**, which had allowed reporting entities to abstain from reporting amounts in chemical mixtures when present at concentrations below 1% (or 0.1% for carcinogens) in the materials they process or otherwise use in their manufacturing process.
- The ***de minimis* exemption is also unavailable for purposes of supplier notification** requirements to downstream facilities for all "Chemicals of Special Concern," which in addition to PFAS includes numerous persistent, bioaccumulative and toxic ("PBT") chemicals such as lead, mercury, and dioxins.
  - Trump EPA may reexamine use of the *de minimis* exemption for PFAS in coming months
- 205 PFAS are TRI-reportable for RY 2025 (reports due July 1, 2026)

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EPA/TSCA PFAS Reporting

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TSCA PFAS Reporting Overview

- Generally, TSCA regulates the manufacturing, processing, distribution, use, sale and disposal of chemicals.
- Under the TSCA PFAS Reporting Rule (Section 8(a)(7)), U.S. EPA is requiring any entity that manufacturers/imports **or has manufactured/imported PFAS or PFAS-containing articles in any year since Jan. 1, 2011**, to electronically report information regarding PFAS uses, production volumes, disposal, exposures, and hazards, among other things.
- Entities have until ~~January 11, 2026~~ to report. "Small Manufacturers" who are subject to the rule exclusively through **article imports** have until ~~July 11, 2026~~.
  - May 2025: EPA extends reporting period by nine months, from July 11, 2025, to April 13, 2026. Submissions will now be due by October 13, 2026, for most manufacturers, and by April 13, 2027, for small manufacturers reporting exclusively as article importers.
- All submitters must retain any document submitted to EPA for **at least five years**.
- **Current EPA status**: "Implement TSCA section 8(a)(7) to smartly collect necessary information, as Congress envisioned and consistent with TSCA, without overburdening small businesses and article importers."

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What must be reported?

- Company and plant site information;
- Chemical specific information, including common/trade names, chemical identity and molecular structure of each chemical substance/mixture;
- Categories or proposed categories of use for each substance/mixture;
- Total amount of each substance/mixture manufactured or processed, the amounts manufactured or processed for each category of use, and reasonable estimates of the respective proposed amounts;
    - Note: As importers may not know or be able to ascertain the PFAS content within articles, this reporting allows production volume to be reported as the **total weight of the imported articles or as the quantity of articles imported**.
- Descriptions of byproducts resulting from the manufacture, processing, use, or disposal of each substance or mixture;
- All existing information concerning the environmental and health effects of each substance or mixture;
- The number of individuals exposed, and reasonable estimates on the number of individuals who will be exposed, to each substance or mixture in their places of work and the duration of their exposure, and;
- The manner or method of disposal of each substance or mixture, and any change in such manner or method.

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“Due Diligence” Standard for Reporting

- **Note: Timeframe for reports covers activities between Jan. 1, 2011 through Dec. 31, 2022.**
- Due Diligence Requirements – Entities must report information to the extent that the information is **known to or reasonably ascertainable by** the entity (“KRA”)
- The term “known to or reasonably ascertainable by” is defined in 40 CFR 705.3, meaning **“all information in a person’s possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know.”**
- This includes, but is not limited to, **information that may be possessed by employees or other agents of the reporting entity**, including persons involved in the manufacturing or marketing of a chemical substance and includes knowledge gained through discussions and technical publications.
- Examples include
  - Files maintained by manufacturer/importer, including marketing studies, sales reports, or customer surveys
  - Information contained in standard references, such as a safety data sheet or supplier notification; or
  - Information from the Chemical Abstracts Service (“CAS”) and from Dun & Bradstreet (“DUNS”).

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Due Diligence Standard (Con't)

- Should manufacturer not have actual data (*e.g.*, measurements or monitoring data) to report, manufacturers/importers "should consider whether 'reasonable estimates' of such information are ascertainable." 88 Fed. Reg. 70,521.
- According to EPA, "reasonable estimates" may rely on approaches such as mass balance calculations, emissions factors, or best engineering judgment. *Id.*
- If manufacturers/importers do not know or cannot make reasonable estimates for certain data elements, **except for production volumes**, they may indicate such information is "Not Known or Reasonably Ascertainable" ("NKRA"). *Id.*
  - Note – NKRA designations cannot be claimed as Confidential Business Information ("CBI").
  - Reporting NKRA should happen only when "data are truly not reasonably ascertainable or are unattainable (*e.g.*, when the appropriate recordkeeping period has lapsed and a past record is no longer available)." *Id.*

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Due Diligence Standard (Con't)

- Not required to conduct new or additional customer surveys (*i.e.*, to pose a comprehensive set of identical questions to multiple customers).
  - **BUT…**
- Would "reasonable business practices" (standard in industry) dictate that you would have such information?
- If particular information cannot be derived or reasonably estimated from the information available to the company without conducting further customer surveys, it is NKRA.
- If customer surveys already in possession or control provide information that (with reasonable analytical effort) may provide relevant information (such as on exposure), the information is generally KRA.

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PFAS:
State Regulation

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List of Bills Prohibiting PFAS in Leather, Textiles and/or Apparel

State (Bill)	Relevant Products	Effective Date
California (AB1817)	Textiles, Apparel, Handbags	2025
Colorado (HB22-1345)	Textile furnishings and indoor upholstered furniture	2025
Connecticut (PA24-59)	Apparel, fabric treatments, textile furnishings, upholstered furniture	July 1, 2026
Maine (PL 2024, C. 630)	Fabric Treatments Textile articles, upholstered furniture **All products**	2023 2026 2032
Minnesota (HB 2310)	Fabric treatments, textile furnishings, upholstered furniture **All products**	2025 2032
New Hampshire (HB1649)	Textile furnishings and treatments, upholstered furniture	2027
New Mexico (HB212)	Carpets, fabric treatments, textiles **All products**	2028 2029
New York (37-0121)	Apparel	2025
Rhode Island (SB 2152)	Fabric treatments, textile articles	2027
Vermont (S25)	Apparel, textiles, textile articles, aftermarket stain- and water-resistant treatments	2026
Washington (HB1694)	Textile and leather goods Leather and textile furnishings for indoor use	2025 2026

The Currently Unavoidable Use (CUU) Exemption

- “Currently unavoidable use” means a use of PFAS that the regulator has determined by rule to be essential for health, safety or the functioning of society and for which alternatives are not reasonably available.
- "Essential for health, safety or the functioning of society" means a use of a PFAS in a product when the function provided by the PFAS is necessary for the product to perform as intended, such that the unavailability of the PFAS for use in the product would cause the product to be unavailable, which would result in:
  - (1) A significant increase in negative health outcomes;
  - (2) An inability to mitigate significant risks to human health or the environment; or
  - (3) A significant disruption of the daily functions on which society relies.
- "Alternative" means a substance or chemical that, if used in place of a PFAS in a product, would result in a functionally equivalent product and would reduce the potential for harm to human health or the environment or that has not been shown to pose the same or greater potential harm to human health or the environment as the PFAS. “Alternative” includes:
  - (1) A reformulated version of a product in which the intentionally added PFAS in the product has been removed; and
  - (2) Changes to a product's manufacturing process that result in the removal of the PFAS from the product.

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Other Common Provisions

- Disclosures, Notifications and Product Registrations
  - (1) A brief description of the product, usually via universal product code (UPC) or stock keeping unit (SKU);
  - (2) The purpose for which PFAS are used in the product, including in any product components;
  - (3) The amount of each of the PFAS, identified by its CASRN or in the absence of this number a description, in the product, reported as an exact quantity, or as the amount of total organic fluorine if the amount of each of the PFAS is not known, or, if the manufacturer is unable to provide information regarding the amount of each of the PFAS in the product, the total weight of the product;
  - (4) The name and address of the manufacturer, and the name, address and phone number of a contact person for the manufacturer; and
  - (5) Any additional information requested by the regulator.

- Labeling Requirements
  - Labels must be “clearly visible prior to sale” and “shall inform the purchaser, using words or symbols approved by [the state regulator], that PFAS is present in the product.

- Certificates of Compliance

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Questions?

Thank You!

JOSEPH J. GREEN
KELLEY DRYE & WARREN, LLP
JGreen@KelleyDrye.com
(202) 342-8849

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