

State Laws Regulating PFAS in Clothing and Other Textiles

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Issue

Identify state laws regulating per- and polyfluoroalkyl substances (PFAS) in clothing and other textiles.

Summary

According to the [U.S. Environmental Protection Agency](#) (EPA), PFAS are a diverse group of man-made chemicals that are resistant to heat, water, and oil. They have been used in the United States since the 1940s in many different consumer, commercial, and industrial products. People may be exposed to PFAS through contaminated food or water or by using everyday products containing PFAS, including stain- and water-resistant fabrics and carpeting.

PFAS are persistent in the environment and the human body; they do not break down and they bioaccumulate (i.e., concentrations increase over time). According to the [EPA](#), “current scientific research suggests that exposure to certain PFAS may lead to adverse health outcomes” (e.g., low birth weight, developmental effects or delays in children, increased risk of certain cancers, elevated cholesterol levels, and reduced immunologic response to vaccinations).

Some states have recently enacted legislation to restrict the presence of PFAS in new clothing and other textiles. Based on research by the Legislative Library and the National Conference of State Legislatures, we identified seven such states: California, Colorado, Maine, Maryland, Minnesota, New York, and Vermont. While these laws vary, they generally prohibit distributing or selling certain specified products (e.g., apparel, rugs and carpets, or other textiles) containing intentionally added

PFAS. Also, Washington enacted a process to evaluate and potentially restrict the use of certain chemicals, including PFAS, in consumer products. We briefly describe the restrictions in these laws in the below table.

Additionally, at least five states proposed legislation in 2023 concerning PFAS in apparel, rugs and carpets, or other textiles (or other products): Illinois ([SB 2023](#)); Massachusetts ([HB 2197](#) and [SB 1356](#)); New Hampshire ([HB 465](#)); Rhode Island ([SB 16](#), [HB 5673](#), and [SB 196](#)); and Vermont ([SB 25](#) and [HB 152](#)).

State Laws Regulating PFAS in Clothing or Other Textiles

Table 1 below identifies state laws regulating PFAS in clothing or other textiles and provides a brief description of the restrictions in each. Not all provisions of each law are highlighted.

Table 1: State Laws Regulating PFAS in Clothing or Other Textiles

<i>State and Citation</i>	<i>Description</i>
<p>California Cal. Health & Safety Code §§ 108970 & 108971</p>	<p>Beginning January 1, 2025, prohibits manufacturing, distributing, selling, or offering for sale any new textile articles that contain “regulated PFAS” (e.g., intentionally added PFAS or the presence of PFAS at or above a specified threshold). “Textile articles” generally include clothing items intended for regular wear, formal occasions, or outdoor activities; accessories, handbags, and backpacks; draperies and shower curtains; furnishings; upholstery; beddings; and napkins and tablecloths. It excludes things like carpets and rugs, treatments used on converted textiles or leathers, and textile articles used in laboratory analysis and testing.</p> <p>Beginning January 1, 2028, extends the prohibition to outdoor apparel for severe wet conditions, but effective January 1, 2025, manufacturers can only distribute, sell, or offer for sale new outdoor apparel for severe wet conditions containing regulated PFAS if they have a disclosure that they are made with PFAS.</p> <p>Requires manufacturers to use the least toxic alternative when removing PFAS from textile articles to comply with the law.</p>
<p>Colorado Colo. Rev. Stat. Ann. §§ 25-15-603 & -604</p>	<p>Beginning January 1, 2024, prohibits distributing for sale or use, selling, or offering for sale certain products if they contain intentionally added PFAS, including, among others, carpets, rugs, juvenile products, and fabric treatments.</p> <p>Beginning January 1, 2025, extends the prohibition to additional products, including indoor textile furnishings and upholstered furniture.</p> <p>Beginning January 1, 2027, further extends the prohibition to outdoor textile furnishings and upholstered furniture.</p>

Table 1 (continued)

State and Citation	Description
<p>Maine Me. Rev. Stat. Ann., tit. 38, § 1614, as amended by HP 138 (2023)</p>	<p>As of January 1, 2023, prohibits distributing, selling, or offering for sale a new carpet, rug, or fabric treatment containing intentionally added PFAS.</p> <p>Allows the Department of Environmental Protection (DEP) to identify by rule other products that may not be distributed, sold, or offered for sale if they contain intentionally added PFAS.</p> <p>Beginning January 1, 2025, (1) requires manufacturers employing more than 25 people to report to DEP on products for sale that contain intentionally added PFAS and (2) prohibits distributing, selling, or offering for sale any such product if the manufacturer fails to report the required information.</p> <p>Beginning January 1, 2030, prohibits distributing, selling, or offering for sale any product containing intentionally added PFAS unless DEP determines by rule that PFAS in the product is unavoidable.</p>
<p>Maryland Md. Code Ann., Env't §§ 6-1601 to 6-1605</p>	<p>Beginning January 1, 2024, prohibits manufacturing or knowingly distributing for sale or use, selling, or offering for sale, a new rug or carpet containing intentionally added PFAS.</p>
<p>Minnesota Minn. Stat. Ann. § 116.943 (as enacted in HF 2310 (2023))</p>	<p>Beginning January 1, 2025, prohibits distributing, selling, or offering for sale certain products if they contain intentionally added PFAS, including, among others, carpets, rugs, fabric treatments, juvenile products, textile furnishings, and upholstered furniture.</p> <p>Allows the Pollution Control Agency commissioner to identify by rule other products that may not be distributed, sold, or offered for sale if they contain intentionally added PFAS.</p> <p>Beginning January 1, 2026, requires manufacturers to report to the commissioner on products for sale that contain intentionally added PFAS. Prohibits distributing, selling, or offering for sale any of these products if the manufacturer fails to report the required information.</p> <p>Beginning January 1, 2032, prohibits distributing, selling, or offering for sale any product containing intentionally added PFAS unless the commissioner determines by rule that PFAS in the product is unavoidable.</p>
<p>New York N.Y. Env't Conserv. Law § 37-0121</p>	<p>Beginning January 1, 2025, prohibits selling or offering for sale new apparel containing intentionally added PFAS. "Apparel" generally includes clothing intended for regular wear, formal occasions, or outdoor activities. It excludes (1) outdoor apparel for severe wet conditions and (2) professional uniforms to protect against health or environmental hazards.</p> <p>Beginning one year after the Department of Environmental Conservation adopts applicable regulations, but no later than January 1, 2027, prohibits selling or offering for sale new apparel containing PFAS at or above a level the department sets in the regulations.</p> <p>Beginning January 1, 2028, prohibits selling or offering for sale new outdoor apparel for severe wet conditions containing PFAS (1) at or above a level the department sets in its regulations or (2) that are intentionally added.</p>

Table 1 (continued)

State and Citation	Description
<p>Vermont VT Stat. Ann. tit. 18, §§ 1681 to 1685</p>	<p>Beginning July 1, 2023, prohibits manufacturing, distributing for sale or use, selling, or offering for sale new (1) residential rugs or carpets containing intentionally added PFAS and (2) aftermarket stain or water-resistant rug or carpet treatments containing intentionally added PFAS.</p>
<p>Washington Wash. Rev. Code § 70A.350.010 et seq.</p>	<p>The Department of Ecology, with the Department of Health, must, every five years per a specified staggered schedule, (1) identify at least five priority chemicals, (2) identify consumer products containing those chemicals, and (3) determine the appropriate regulatory action to reduce the chemicals' use in the consumer products. Regulatory action may include restricting or prohibiting the manufacture, wholesale, distribution, sale, or use of priority chemicals in consumer products.</p> <p>For PFAS, which is a statutorily identified priority chemical, the Department of Ecology must adopt rules to implement regulatory actions by December 1, 2025. Proposed rules would restrict the manufacture, sale, or distribution of the following consumer products that contain intentionally added PFAS: after-market stain and water-resistant treatments, carpets and rugs, and leather and textile furniture and furnishings.</p>

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