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AB-2247 Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product compon

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CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

ASSEMBLY BILL

NO. 2247

Introduced by Assembly Member Bloom
(Principal coauthor: Senator Allen)
(Coauthor: Assembly Member Ting)

February 16, 2022

An act to add Article 15 (commencing with Section 25258) to Chapter 6.5 of Division 20 of the Health and Safety Code, relating to environmental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 2247, as amended, Bloom. Perfluoroalkyl and polyfluoroalkyl substances (PFAS) and PFAS products and product components: publicly accessible reporting platform.

Existing ~~law~~, *law* provides that the Department of Toxic Substances Control regulates the handling and management of hazardous substances, materials, and waste. Existing law requires the department, among other things, to issue hazardous waste facilities permits to facilities handling hazardous waste and to enforce the requirements of the hazardous waste control laws. A violation of the hazardous waste control laws is a crime.

This bill would require, as part of the hazardous waste control laws, the department to work with the Interstate Chemicals Clearinghouse to establish, on or before January 1, 2024, a publicly accessible reporting platform to collect information about *PFAS perfluoroalkyl and polyfluoroalkyl substances (PFAS)* and products or product components containing regulated PFAS, as defined, being sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state. The bill would require, on or before ~~March~~ *July* 1, 2024, and annually thereafter, a manufacturer, as defined, of PFAS or a product or a product component containing regulated PFAS that is sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state to register the PFAS or the product or product component containing regulated PFAS, and specified other information, on the publicly accessible reporting platform. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 15 (commencing with Section 25258) is added to Chapter 6.5 of Division 20 of the Health and Safety Code, to read:

Article 15. PFAS DISCLOSURE

25258. The Legislature finds and declares all of the following:

(a) Contamination of water, soil, and air in the state from perfluoroalkyl and polyfluoroalkyl substances, or PFAS, poses a significant threat to the environment of the state and to the health of its citizens.

(b) PFAS continue to be used across numerous industries for a variety of purposes and are ultimately contained in a number of products sold in the state.

(c) Without accurate data on how and how much PFAS are entering the state in any form, state regulators and local public agencies, including wastewater facility operators, are unable to develop and implement best practices or set discharge limits that will protect human health and the environment.

(d) Without accurate data on how and how much PFAS are entering the state in any form, the Legislature is hampered in understanding the full scope of PFAS sources and the product sectors on which to focus in order to restrict PFAS use or their entry into the environment and California public.

(e) Without accurate data on how and how much PFAS are entering the state for industrial or commercial uses, businesses working to avoid PFAS exposure in their workers or in their products in order to meet environmental and health standards struggle to identify sources within their facilities.

~~(d)~~

(f) To characterize the real threats of further PFAS environmental contamination and human exposure in the state, and to develop the best practices for addressing them, it is imperative to collect, and make available to the public, information regarding how PFAS enter the state, whether as PFAS themselves or in consumer and industrial products, as well as the amount of PFAS coming into the state.

~~(e)~~

(g) Requiring the disclosure of the use of PFAS in products and product components is in the best interests of the state.

25258.1. For purposes of this article, the following terms have the following meanings:

(a) (1) "Manufacturer" means any of the following:

(A) A person or entity who manufactures PFAS or imports PFAS into the state.

(B) A person or entity who manufactures a product or product component containing regulated PFAS or imports a product or product component containing regulated PFAS into the state, or whose name appears on the product label.

(C) A person or entity for whom the PFAS or product or product component containing regulated PFAS is manufactured or distributed, as identified by the product label pursuant to the federal Fair Packaging and Labeling Act (15 U.S.C. Sec. 1451 et seq.).

(2) In the case of a product or product component containing regulated PFAS that is imported into the United States, "manufacturer" includes the importer or first domestic distributor of the product if the person or entity that manufactured or assembled the product or product component or whose brand name is affixed to the product or product component does not have a presence in the United States.

(3) "Manufacturer" does not include a state agency, as defined in Section 46025, or a local agency, as defined in subdivision (c) of Section 66000 of the Government Code.

(b) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

(c) "Regulated perfluoroalkyl and polyfluoroalkyl substances" or "regulated PFAS" means either of the following:

(1) PFAS that a manufacturer has intentionally added to a product and that have 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.

(2) The presence of PFAS, as measured in total organic fluorine, in a product or product component at or above the limit of quantification.

(d) "Product" means an item, including its product components, that is manufactured, assembled, packaged, or otherwise prepared for sale or distributed, including for personal, residential, commercial, or industrial use, or for use in making other products.

(e) "Product component" means a component of a product, including the product's ingredients or a part of the product.

25258.2. (a) The department shall work with the Interstate Chemicals Clearinghouse to establish, on or before January 1, 2024, a publicly accessible reporting platform to collect information about PFAS and products or product components containing regulated PFAS being sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state.

(b) On or before ~~March~~ *July* 1, 2024, and on or before ~~March~~ *July* 1 of each year thereafter, a manufacturer of PFAS or a product or product component containing regulated PFAS that is sold, offered for sale, distributed, or offered for promotional purposes in, or imported into, the state ~~must~~ *shall* register the PFAS or the product or product component containing regulated PFAS on the publicly accessible reporting platform created pursuant to subdivision (a), along with all of the following information, as applicable:

(1) The name and type of product or product component containing regulated PFAS.

(2) The universal product code, or "UPC," of the product or product component containing regulated PFAS.

(3) How the PFAS are, or the product or product component containing regulated PFAS is, used by businesses or consumers.

(4) *(A)* The specific names of all PFAS compounds in the product or product component containing regulated PFAS and the Chemical Abstracts Service Registry Number, also known as a "CAS Registry Number" or "CAS RN," of each PFAS compound.

~~(5) The amount or weight of PFAS, as measured by total organic fluorine, in the product or product component containing regulated PFAS per individual analyte.~~

(B) If the CAS RN is not available, the amount or weight of PFAS measured as total organic fluorine in the product or product component containing regulated PFAS per individual analyte.

~~(6)~~

(5) The amount of the product or the product component or the numbers of products or product components sold, delivered, or imported into the state.

~~(7) The anticipated fate and transport in humans and the environment of the PFAS or PFAS in a product or product component containing regulated PFAS.~~

~~(8)~~

(6) The name and address of the manufacturer, and the name, address, and phone number of a contact person for the manufacturer.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.