

**AB-727 Product safety: cleaning products and floor sealers or floor finishes: perfluoroalkyl and polyfluor**

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ENROLLED SEPTEMBER 18, 2023
PASSED IN SENATE SEPTEMBER 12, 2023
PASSED IN ASSEMBLY SEPTEMBER 13, 2023
AMENDED IN SENATE SEPTEMBER 08, 2023
AMENDED IN SENATE AUGUST 16, 2023
AMENDED IN SENATE JULY 10, 2023
AMENDED IN SENATE JUNE 22, 2023
AMENDED IN SENATE JUNE 07, 2023
AMENDED IN ASSEMBLY APRIL 13, 2023
AMENDED IN ASSEMBLY APRIL 11, 2023
AMENDED IN ASSEMBLY MARCH 14, 2023

CALIFORNIA LEGISLATURE— 2023–2024 REGULAR SESSION

ASSEMBLY BILL**NO. 727****Introduced by Assembly Member Weber****February 13, 2023**

An act to add Chapter 17 (commencing with Section 109030) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 727, Weber. Product safety: cleaning products and floor sealers or floor finishes: perfluoroalkyl and polyfluoroalkyl substances.

Existing law, beginning January 1, 2025, prohibits a person or entity from manufacturing, selling, delivering, holding, or offering for sale in commerce any cosmetic product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined. Existing law similarly prohibits, beginning January 1, 2025, a person from manufacturing, distributing, selling, or offering for sale in the state any new, not previously owned, textile articles that contain regulated PFAS, except as specified, and requires a manufacturer to use the least toxic alternative when removing regulated PFAS in textile articles to comply with these provisions.

This bill, beginning January 1, 2026, would prohibit a person from manufacturing, selling, delivering, distributing, holding, or offering for sale in the state a cleaning product that contains regulated PFAS, as specified. The bill, beginning January 1, 2028, would prohibit a person from manufacturing, selling, delivering, distributing, holding, or offering for sale in the state a floor sealer or floor finish that contains regulated PFAS, as specified. The bill would make a violation of these provisions punishable by a civil penalty not to exceed \$10,000 per day for each violation, upon an action brought by the Attorney General, a city or

county attorney, a county counsel, city prosecutor, or a district attorney. The bill would exempt treatments containing PFAS for use on converted textiles or leathers, as specified, from these provisions.

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

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

SECTION 1. Chapter 17 (commencing with Section 109030) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 17. Cleaning Products Containing PFAS

109030. For purposes of this chapter, the following definitions apply:

(a) "Air care product" means a chemically formulated consumer product labeled to indicate that the purpose of the product is to enhance or condition the indoor environment by eliminating unpleasant odors or freshening the air.

(b) "Automotive product" means a chemically formulated consumer product labeled to indicate that the purpose of the product is to clean, disinfect, maintain the appearance of, polish, protect, buff, condition, or otherwise care for a motor vehicle. Automotive products include products for washing, waxing, polishing, cleaning, or treating the exterior or interior surfaces of motor vehicles.

(c) "Cleaning product" means a finishing product that is an air care product, automotive product, general cleaning product, or a polish or floor maintenance product used primarily for janitorial, domestic, or institutional cleaning purposes, or a water vessel product.

(d) (1) "Floor sealer" or "floor finish" means a chemically formulated industrial or institutional floor product that cures into a film upon application and is advertised for or labeled solely as a sealer, finish, or combination of sealer and finish.

(2) A floor sealer is a product that provides the first layer of protection by filling gaps in uneven and porous surfaces and by creating a durable, polymeric coating with high chemical resistance and provides the base coat for floor finishes and helps floor finishes adhere to flooring.

(3) A floor finish is a product that provides a protective surface layer that is the first line of defense against floor damage.

(4) A product that is a combination of sealer and finish performs the functions described in both paragraphs (2) and (3).

(e) "General cleaning product" means a soap, detergent, or other chemically formulated consumer product labeled to indicate that the purpose of the product is to clean, disinfect, sanitize, or otherwise care for any of the following:

(1) Fabric, dishes, or other wares.

(2) Surfaces, including, but not limited to, floors, furniture, countertops, showers, or baths.

(3) Other hard surfaces, such as stovetops, microwaves, and other appliances.

(f) "Intentionally added PFAS" means PFAS that a manufacturer has intentionally added to a product or ingredient and that has a functional or technical effect in the product or ingredient.

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

(h) "Polish or floor maintenance product" means a chemically formulated consumer product, such as polish, wax, a stripper, or a restorer, labeled to indicate that the purpose of the product is to clean, disinfect, polish, protect, buff, condition, temporarily seal, strip, or maintain furniture, floors, metal, leather, or other surfaces. Polish or floor maintenance products do not include treatments containing perfluoroalkyl or polyfluoroalkyl substances for use on converted textiles or leathers.

(i) "Treatments containing perfluoroalkyl or polyfluoroalkyl substances for use on converted textiles or leathers" has the same meaning as provided in Section 69511.5 of Title 22 of the California Code of Regulations.

(j) "Water vessel product" means a chemically formulated consumer product, such as an all-purpose cleaner or wash, deck or nonskid surface cleaner, hull or bottom cleaner, product that descales or dissolves marine growth, wax, polish, or restorer, labeled to indicate that the purpose of the product is to maintain the appearance of, or otherwise care for, a water vessel.

109031. (a) Commencing January 1, 2026, a person or entity shall not manufacture, sell, deliver, distribute, hold, or offer for sale in commerce in this state a cleaning product containing any of the following:

(1) Intentionally added PFAS.

(2) PFAS in a product or ingredient at or above the following thresholds, as measured in total organic fluorine with documented quality control procedures and analytical validations:

(A) Commencing January 1, 2026, 50 parts per million.

(B) Commencing January 1, 2027, 25 parts per million.

(C) Commencing January 1, 2028, 10 parts per million.

(b) Notwithstanding subdivision (a), commencing January 1, 2028, a person or entity shall not manufacture, sell, deliver, distribute, hold, or offer for sale in commerce in this state a floor sealer or a floor finish containing any of the following:

(1) Intentionally added PFAS.

(2) PFAS in a product or ingredient at or above 10 parts per million, as measured in total organic fluorine with documented quality control procedures and analytical validations.

(c) (1) A person or entity who violates this section is liable for a civil penalty not to exceed ten thousand dollars (\$10,000) per day for each violation. That civil penalty may be assessed and recovered in a civil action brought in any court of competent jurisdiction.

(2) In assessing the amount of a civil penalty for a violation of this chapter, the court shall consider the following:

(A) The nature and extent of the violation.

(B) The number of, and severity of, the violations.

(C) The economic effect of the penalty on the violator.

(D) Whether the violator took good faith measures to comply with this section and when these measures were taken.

(E) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole.

(F) Whether there were contributing environmental factors that a reasonable person knew or should have known about.

(d) Actions pursuant to this section may be brought by the Attorney General in the name of the people of the state, by a district attorney, by a city or county attorney, by a county counsel, or by a city prosecutor.

(e) Civil penalties collected pursuant to this section shall be paid to the office of the city attorney, city prosecutor, county counsel, district attorney, or Attorney General, whichever office brought the action.

(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.

(g) This section does not apply to treatments containing perfluoroalkyl or polyfluoroalkyl substances for use on converted textiles or leathers, which are listed as a Priority Product by the Department of Toxic Substances Control pursuant to subdivision (b) of Section 69511 of Title 22 of the California Code of Regulations.

(h) Notwithstanding any restrictions in subdivision (c) of Section 25218.11.5, this section does not impair the ability of a public agency, or its contractor, to distribute any cleaning products through a materials exchange program it operates as part of its household hazardous waste collection program pursuant to Section 25218.12.