

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

AB 727 (Weber)
Version: June 22, 2023
Hearing Date: July 6, 2023
Fiscal: Yes
Urgency: No
AM

SUBJECT

Product safety: cleaning products: perfluoroalkyl and polyfluoroalkyl substances

DIGEST

This bill prohibits a person from manufacturing, selling, delivering, distributing, holding, or offering for sale in the state a cleaning product that contains any intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) beginning January 1, 2026. The bill prohibits a person from manufacturing, selling, delivering, distributing, holding, or offering for sale in the state a cleaning product that contains any PFAS at 50 parts per million (ppm) beginning January 1, 2026; 25 ppm beginning January 1, 2027; and 10 ppm beginning January 1, 2028. The bill makes a violation of these provisions punishable by 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.

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 cleaning products. The bill bans intentionally added PFAS in cleaning products beginning on January 1, 2026, and phases in a ban on unintentionally added PFAS in cleaning products.

The bill is sponsored by the California Association of Sanitation Agencies and the Environmental Working Group. The bill is supported by numerous organizations,

including local governments and environmental organizations. The bill is opposed unless amended by several associations representing manufacturers of cleaning products. The bill passed the Senate Environmental Quality Committee on a vote of 5 to 0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) 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).)
- 2) 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.)
- 3) 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.)
- 4) 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.)
- 5) 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.)
- 6) 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).)
- 7) 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 a person from manufacturing, distributing, selling, delivering, distributing, holding, or offering for sale in the state any cleaning product that contains intentionally added PFAS beginning January 1, 2026.
- 2) Prohibits a person from manufacturing, distributing, selling, delivering, distributing, holding, or offering for sale in the state any cleaning product that contains PFAS measured in total organic fluorine as provided:
 - a) 50 ppm beginning January 1, 2026;
 - b) 25 ppm beginning January 1, 2027; and
 - c) 10 ppm beginning January 1, 2028.
- 3) Provides that a person or entity that violates these provisions, upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney, is liable for a civil penalty not to exceed \$5,000 for a first violation and \$10,000 for each subsequent violation.
- 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) Provides an exemption for treatments containing PFAS for use on converted textiles or leathers, which are listed as a Priority Product by the Department of Toxic Substances Control.
- 6) Defines various terms for these purposes.
 - 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, industrial, or institutional cleaning purposes, or a water vessel product.
 - d) "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:

- i. Fabric, dishes, or other wares.
 - ii. Surfaces, including, but not limited to, floors, furniture, countertops, showers, or baths.
 - iii. Other hard surfaces, such as stovetops, microwaves, and other appliances.
- e) "Intentionally added PFAS" means PFAS that a manufacturer has intentionally added to a product or ingredient and that have a functional or technical effect in the product or ingredient.
- f) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- g) "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 PFAS for use on converted textiles or leathers.
- h) "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.
- i) "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.

COMMENTS

1. Stated need for the bill

The author writes:

PFAS are synthetic chemicals that are found in a staggering array of consumer products, usually to create a nonstick, water-resistant, or stain-repellent coating. Nonstick pans, umbrellas, nail polish, grease-resistant packaging like popcorn bags, and plastic water bottles are examples of products commonly known to contain PFAS. These chemical compounds are extremely stable and are very difficult to break down, earning them the nickname "forever chemicals." Many PFAS compounds contain a strong carbon-fluorine bond which allows them to build up, accumulating over time.

According to the Agency for Toxic Substances and Disease Registry, PFAS can harm our heart, liver, reproductive, and renal systems, can increase cholesterol levels and increase blood pressure in pregnant women. Overexposure of PFAS can put

individuals at risk of developing kidney cancer, can cause liver damage, and reduce the immune system's ability to fight infections. Our use of PFAS is not sustainable. In the very near future, our public entities, such as wastewater agencies, will have to undertake the very expensive work to remove PFAS from wastewater and other resources. As a state, we need to move forward and get rid of the sources of PFAS. This can only be done by greatly restricting the use of PFAS in products. AB 727 will address one significant source of PFAS in our indoor environments and in our wastewater by prohibiting the chemicals' use in cleaning products.

2. Bill bans PFAS in cleaning 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 cleaning 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 impacts see the Senate Environmental Quality Committee analysis of this bill.¹

This bill intends to address the issue of PFAS in cleaning products in two ways. First, it prohibits a person from manufacturing, distributing, selling, delivering, distributing, holding, or offering for sale in the state any cleaning product that contains intentionally added PFAS beginning January 1, 2026. Second, the bill prohibits a person from manufacturing, distributing, selling, delivering, distributing, holding, or offering for sale in the state any cleaning product that contains PFAS at: 50 ppm beginning January 1, 2026, 25 ppm beginning January 1, 2027, and 10 ppm beginning January 1, 2028.

a. PFAS in cleaning products

The Senate Environmental Quality Committee notes that consumers are “unwittingly being exposed to PFAS from cleaners while spending time in their homes, schools, offices, and other commercial and public spaces.”² According to an analysis of online cleaning product data by the Environmental Working Group, a co-sponsor of the bill, “1 in 6 household cleaning products (including general cleaners, floor products, and dishwasher rinse aids) contain PFAS and approximately 50% of industrial grade floor polishes, which are used in public buildings, schools, and commercial offices, contain PFAS.” A U.C. Berkeley paper regarding alternatives to PFAS in floor polish notes that exposure to PFAS during floor polishing by janitorial workers is especially high with a

¹ Sen. Environmental Quality Committee analysis of AB 727 (2023-24 Reg. Sess.) as amended June 7, 2023.

² *Id.* at p. 6.

“risk for dermal contact and inhalation.”³ Domestic workers also have a risk of exposure to PFAS from cleaning products in households. Contamination of PFAS in the environment can be caused from household and industrial wastewater, which leads to contaminated drinking water or PFAS otherwise persisting in the environment.⁴

The Senate Environmental Quality Committee further noted:

PFAS remains in the body for a long time, so as people continue to be exposed to PFAS, the PFAS levels in their bodies may increase to the point that they suffer adverse health effects. 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 people; 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.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

³ Yuning Xu, Tessa Wardle, and Jenna Tan, to PFAS in Floor Polish Formulations (2021) at p. 11, available at <https://bcgc.berkeley.edu/sites/default/files/pfas-in-floor-polish-final-report.pdf>.

⁴ Sen. Environmental Quality Committee analysis of AB 727 (2023-24 Reg. Sess.) as amended June 7, 2023 at p. 6.

⁵ *Id.* at 4.

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/>.

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

In regards to regulating PFAS as a class of chemicals the Senate Environmental Quality Committee states:

There are many thousands of chemicals in the PFAS class (the US EPA's master list of PFAS chemicals listed over 12,000 as of the writing of this analysis) and more types of PFAS can be developed. DTSC has adopted a rationale for regulating this large and diverse number of PFAS chemicals as a class rather than with a piecemeal approach. This is because all PFAS share at least one common hazard trait and regulations that focus on subsets of these chemicals have resulted in their replacement with other PFAS with similar hazards.⁹

c. Opposition concerns

The opposition to the bill states they are opposed unless amended. They note several concerns they have with the bill, some of which have been addressed by recent amendments. The opposition states they have concerns with how the 50 ppm and 25 ppm thresholds will be enforced stating:

The limits established in AB 727 are based on total organic fluorine. While it can serve as an initial screening test, total organic fluorine testing is qualitative, not quantitative, and thus nothing can be fully determined by using only this method. The lower the threshold used for total organic fluorine, the higher the likelihood that compliant products are tested and found noncompliant due to testing "background noise." This is because a test for total organic fluorine will not only pick up any organic fluorine (not just those that meet the definition of PFAS), but it also has the ability to pick up various inorganic fluorine (fluorine that isn't bonded to carbon). As such, we recommend giving the Department of Toxic Substances Control (DTSC) a role in evaluating testing methods for PFAS thresholds and scientifically valid testing.

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.*

⁹ Sen. Environmental Quality Committee analysis of AB 246 (2023-24 Reg. Sess.) as amended June 7, 2023 at p.4.

The opposition additionally argues that the bill will decimate an entire product category, floor products used in schools, hospitals, and office buildings, because they claim there is no raw material replacement to comply with the bill's provisions. They take issue with the regulation of PFAS as a class and claim this approach can hamper new innovations.

3. Enforcement mechanism in the bill

This bill provides for enforcement through civil liability. A violation of these provisions 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, upon an action brought by the Attorney General, a city attorney, a county counsel, or a district attorney. 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. 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 cleaning product are 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 clarify that the civil penalty is per day, but in no instance should the penalty exceed \$1 million.

Under the bill currently, a retailer can be held liable even though they do not control the manufacturing process. As such, the Committee may wish to amend the bill to provide a retailer with notice of an alleged violation and provide them with a 30 day period to remove the noncompliant cleaning products from their shelves. If after notice and the 30 day period the retailer continues to sell non complaint products, then they would be subject to liability under the bill.

4. Proposed Amendments

The specific amendments to address the issues mentioned above in Comment 3) are:¹⁰

Section 109031 as added to the Health and Safety Code is amended to read:

(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:

(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) ~~(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 subdivision (a) shall be liable for a civil penalty not to exceed five thousand dollars (\$5,000) *per day* for a first violation, and not to exceed ten thousand dollars (\$10,000) *per day* for each subsequent ~~violation.~~ *violation, but in no instance shall the civil penalties authorized by this paragraph exceed one million dollars (\$1,000,000). 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.

(3) For purposes of this section, a violation is deemed to have occurred upon the manufacture, sale, delivery, distribution, holding, or offering for sale, as applicable, of a cleaning product in violation of this section. Cleaning products that belong to the same stock keeping unit (SKU) as the cleaning product in violation of this section are considered part of the same, single violation incurred by each violating person or entity.

(c)(1) Before bringing an action pursuant to paragraph (2) of subdivision (b), the Attorney General, a city attorney, a county counsel, or a district attorney, as applicable, shall provide a written notice of an alleged violation and a copy of the requirements of this chapter to a

¹⁰ The amendments may also include technical, nonsubstantive changes recommended by the Office of Legislative Counsel.

retailer that sells or offers for sale the cleaning product alleged to violate this section. The retailer will have 30 days from receipt of the notification to comply with this section by ceasing to sell or offer for sale the cleaning product alleged to violate this section.

(2) If 30 days after receipt of the notice of violation pursuant to paragraph (1) the retailer continues to sell or offer for sale the same stock keeping unit (SKU) that is alleged to be in violation of this section, the Attorney General, a city attorney, a county counsel, or a district attorney, as applicable, may bring an action for violation of this section pursuant to paragraph (2) of subdivision (b).

~~(2)~~ (d) 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.

~~(e)~~ (e) 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.

5. Statements in support

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

According to an informal EWG analysis of online cleaning product data, approximately 50% of institutional-grade floor polishes, which are used in public buildings, schools, and commercial offices, contain PFAS. Recent studies have demonstrated that these widely-used PFAS floor polishes can expose janitorial workers and the public to air-borne PFAS. This PFAS also enters wastewater when floors are mopped and cleaned.

In addition to floor polishes, other household cleaning products (including general cleaners, floor products, and dishwasher rinse aids) contain PFAS, as do automotive polishes, machinery cleaners, and air fresheners. And online information indicates that manufacturers are marketing a type of PFAS for use as new propellants in air-borne cleaning products and air fresheners. So if not banned, PFAS chemicals will soon be in the products that we spray inside our homes.

Consumers are unwittingly being exposed to PFAS from cleaners while spending time in their homes, schools, offices, and other commercial and public spaces. Cleaning product PFAS also ends up in household and industrial wastewater, and workers are exposed to the PFAS when cleaning buildings and homes.

It's time to end the use of PFAS in cleaning products of all sorts. PFAS-free cleaning products are readily available and provide the same function as PFAS-containing products.

6. Statements in opposition

A coalition of associations representing manufacturers of cleaning products write in opposition stating:

This bill proposes to enact overly broad language and far-reaching product restrictions without any authoritative scientific evaluation or consideration of alternatives. All of the substances that meet the proposed definition of PFAS are not the same, and individual chemistries have their own unique properties and uses, as well as environmental and health profiles. As written, AB 727 would apply a one-size-fits-all approach to chemical regulation that creates new environmental concerns, and even prohibits technologies that are safe for humans and the environment. [...]

The safety of human health and the environment is our top priority, and we support efforts to address the release of PFAS into the environment. However, we believe AB 727 undermines ongoing efforts in California, captures products that are not persistent, bioaccumulative, or toxic, and introduces unintended consequences that impact our environment.

SUPPORT

California Association of Sanitation Agencies (sponsor)
Environmental Working Group (sponsor)
A Voice for Choice Advocacy
Active San Gabriel Valley
American Bird Conservancy
American College of Obstetricians and Gynecologists District IX
American Nurses Association/California Chapter
Ban SUP
Breast Cancer Over Time
Breast Cancer Prevention Partners
California Product Stewardship Council
California Professional Firefighters
California Water Service
Californians for Pesticide Reform
California Public Interest Research Group (CALPIRG)
Center for Community Action and Environmental Justice
Center for Environmental Health
Center for Public Environmental Oversight

City of Camarillo
Clean Earth 4 Kids
Clean Water Action
Defend Them All Foundation
East Bay Municipal Utility District
Elders Climate Action Nor Cal Chapter
Elders Climate Action So Cal Chapter
Facts Families Advocating for Chemical and Toxics Safety
Facts: Families Advocating for Chemical & Toxics Safety
Friends of the Earth
GMO Science
Grassroots Environmental Education
Green Science Policy Institute
Growing Solutions Found
Indivisible Alta Pasadena
Irvine Ranch Water District
Los Angeles County Sanitation Districts
Mamavation
National Stewardship Action Council
Natural Resources Defense Council
Non-Toxic Neighborhoods
Pesticide Action Network
Physicians for Social Responsibility - San Francisco Bay Area Chapter
Recolte Energy
Resource Renewal Institute
Responsible Purchasing Network
Safer States
San Diego County Water Authority
San Francisco Bay Physicians for Social Responsibility
Santa Barbara Standing Rock Coalition
Sierra Club California
The Growing Solutions Fund
Womens Voices for the Earth

OPPOSITION

American Chemistry Council
California Manufacturers & Technology Association
Household and Commercial Products Association
National Aerosol Association
Western Aerosol Information Bureau

RELATED LEGISLATION

Pending Legislation:

AB 246 (Papan, 2023) 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 PFAS, and prohibits, beginning January 1, 2027, any menstrual products that contain, whether intentionally or unintentionally, concentrations of PFAS at or above 10 ppm. AB 246 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, Stats. 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 62, Noes 2)

Assembly Appropriations Committee (Ayes 12, Noes 4)

Assembly Environmental Safety and Toxic Materials Committee (Ayes 7, Noes 2)
