

# PFAS “Forever Chemicals”

## Preparing for the coming season

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# Contents:

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1. Background
2. Apparel and Textile Products
3. Ski Wax
4. Next Steps & Reality Check
5. Q&A





# About



**Ammi Borenstein**  
Snaplinc Consulting



## About me:

30+ years in snow and outdoor industries.

Leadership roles at K2 and Outdoor Research.

Introduced hundreds of styles and millions of units to market.

Executive committee that initiated the Higg Index.

Led sustainability efforts in snow and outdoor since 2007.

Founded Snaplinc Consulting in 2018 to help the best brands manage and mitigate environmental impacts.

## About Snaplinc Consulting:

Sustainability and ESG support for a range of sectors.

Strategy setting.

Environmental assessments.

Supply chain and labor due diligence.

Materials and chemicals assessments.

Sustainability compliance.





PART 1:

# Background



# What are PFAS?

- Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a class of chemicals used to make coatings and products that resist heat, oil, stains, grease, and water.
- Exceptional water and oil repellency, low friction, thermally stable, chemically stable. Very durable structure.
- Two main types: Non-polymer – Usually liquid surface coatings like DWR. Polymer – Mainly films and plastics such as GoreTex® (ePTFE) and Teflon®.
- Approximately 10,000 individual chemicals. C8, C6, PFOA, PFOS, PFC, PFCEC, etc. are becoming obsolete terms.
- Ignore supplier terms. All of the laws and rules say PFAS.

# Where are they found?

Sports and Outdoor	Everywhere
DWR (Durable Water Repellent)	Home furnishings
Ski wax	Carpets and rugs
GoreTex® (ePTFE) and other waterproof coatings	Non-stick cookware
Water/ stain repellent treatments	Food packaging
Manufacturing lubricants	Pizza boxes
	Cosmetics/ Toiletries
	Dental floss
	Contact lenses



# What are the issues with PFAS?

## Human Health and Environmental Impacts

Don't break down and bioaccumulate in most living beings.

Health impacts include reproductive impacts, developmental delays, cancer and more.

# What is the future of PFAS?

## Where are we going?

Regulations in NY, CA, VT, CO, ME, MN, and many more on the way.

Likely phase-outs, bans, labeling, etc.

Regulatory requirements that affect our industry begin Jan 1, 2025.

Consumers are concerned and asking questions.



PART 2:

# Apparel & Textile Regulations



# California

- No sales of textile articles with PFAS after January 1, 2025.
  - Includes footwear and “accessories”. Assume gloves and headwear are included. Could also include goggles, helmets, poles, and any items with textile.
- Includes existing inventory in warehouse and at retailers.
- Retailers will require Certificates of Compliance from brands.

## The fine print:

- Textile articles “include, but are not limited to, apparel, accessories, handbags, backpacks, draperies, shower curtains, furnishings, upholstery, beddings, towels, napkins, and tablecloths.”
- Exemption “outdoor apparel for severe wet conditions” until January 1, 2028.
  - Ask your brand partners how they are defining this.
- “Textile” means any item made in whole or part from a natural, manmade, or synthetic fiber, yarn, or fabric.
- Includes any item with a textile component that has PFAS anywhere on it.
- Includes upholstery. PFAS is in wide use in indoor and outdoor upholstery materials.

# New York

- No sales of apparel with PFAS after January 1, 2025.
- Includes existing inventory in warehouse and at retailers.
- Very aggressive fines.
- Retailers will require Certificates of Compliance from brands.

## The fine print:

- Penalties are \$1000 per day for 1st violation and \$2500 per day for 2nd violation.
- Exemption “outdoor apparel for severe wet conditions” until January 1, 2028.
  - Ask your brand partners how they are defining this.



# Certificate of Compliance

Required in CA and NY

- Retailers will require brands to provide these.
- Retailers will not be held in violation of these regulations if they collect certificates of compliance.
- Focus on these now so they don't interrupt 8/1 ship window.
- These are not retroactive to existing inventory.
- In some cases retailers are likely to rely on you for these.
- SIA has created a standard form that your brands can use.
- Must be "signed by an authorized official of the manufacturer".





PART 3:


# Ski Wax Regulations



# Ski Wax



United States  
Environmental Protection  
Agency



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Laws & Regulations ▾

Report a Violation ▾

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News Releases: [Headquarters](#)

CONTACT US

## EPA Settlement with Swix Sport USA Resolves TSCA Violations Involving PFAS

May 20, 2020

Under the terms of the settlement, Swix has agreed to spend approximately \$1,000,000 to develop and implement an outreach and training program referred to as a Responsible Waxing Project (RWP) and pay a \$375,625 civil penalty.



ENFORCEMENT ALERT

OFFICE OF ENFORCEMENT  
AND COMPLIANCE ASSURANCE

EPA Document # 305S21001

January 2022

## Violations May Put Ski Wax Users at Risk from Illegal Perfluoroalkyl Substances

The U.S. Environmental Protection Agency (EPA) is publishing this enforcement alert (Alert) because EPA has identified several high-performance ski wax consumer products that contained perfluorinated chemicals that were not reviewed by EPA for health risks under TSCA. These wax products are intended for use on sports equipment to enhance the performance of the equipment's slick surfaces that are in contact with snow.

# Ski Wax

## Vermont 18 V.S.A. § 1692

July 1, 2023

Ban on sale of ski wax with PFAS - Does not address pre-waxed products

Penalties and civil actions allowed but not specified

## Minnesota H.F. No. 2310

January 1, 2025

Ban on sale of ski wax with PFAS - Does not address pre-waxed products

## Maine S.P. 610 - L.D. 1537

January 1, 2026

Ban on sale of ski wax with PFAS - Does not address pre-waxed products

## Colorado SB 24-081

January 1, 2026

Ban on sale of ski wax with PFAS - Does not address pre-waxed products

## Considerations

No certificate of compliance provisions to exempt retailers.

Vermont is in force now and more stringent.

Most skis and snowboards are waxed in the factory.







## PART 4:

# Next Steps and Reality Check

# The Performance Problem

- Customers will perceive lower performance
  - After several wearings
- Customers will have questions
- Get clear on brand messaging from your brands
  - Might be different across your brands
- Work this into your clinics
  - Train store managers and shop floor staff to talk to customers
  - Train them to add aftercare such as Nikwax to every sale





# The Inventory Problem

- “commencing January 1, 2025, no person shall manufacture, distribute, sell, or offer for sale in the state any new, not previously used, textile articles that contain regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS.”
- Retailers are taking a risk if they sell inventory with PFAS in NY (especially) and CA after January 1, 2025.
  - NY – Apparel
  - CA – Textile articles
- Help them segment
- Help them find clearance opportunities

# How to support your brands and retailers

## Ensure that the brands you rep:

- ✓ Have Certificates of Compliance ready to go ASAP.
- ✓ Won't be shipping textile items with PFAS to retailers who sell in CA.
- ✓ Won't be shipping apparel with PFAS to retailers who sell in NY.
- ✓ Won't be shipping ski wax with PFAS to VT and MN.

## Ensure that your retailers:

- ✓ Have Certificates of Compliance in hand ASAP.
- ✓ Understand the urgency in NY and CA of segmenting inventory and not selling inventory with PFAS after January 1, 2025.
- ✓ Have clear messaging to discuss with customers.
- ✓ Are stocked up on aftercare products like Nikwax.
- ✓ Remind them to remove all wax with PFAS (fluoro wax) from retail shelves and tuning shop.





# Key Takeaways

- No sales of textile items with PFAS in CA after January 1, 2025.
- No sales of apparel with PFAS in NY after January 1, 2025.
- Get Certificates of Compliance in place now.
- No sales of ski wax with PFAS in VT now.
- No sales of ski wax with PFAS in MN January 1, 2025.







# Q&A

# Thank you!

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