

“Forever Chemicals” Build Your 2024 Playbook



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PART 1:

Regulations & Market Conditions

Regulatory Overview

Market Conditions

Current regulatory status

Highest impact regulation of most common PFAS are concentrated in US states including CA, NY and ME.

10-12 additional states are moving quickly with similar legislation.

EPA rule is first broad action at the federal level.

Certain PFAS are banned in EU. Most common ones have bans proposed.

What do the regulations include?

They include bans, measurements, labeling and phase-outs.

Regulatory requirements most impactful to our industry begin Jan 1, 2025.

Some are in force now.

State of the market

Consumers are concerned.

States and EPA are acting.

Lawsuits are piling up.

US EPA TSCA

Requires detailed reporting of all PFAS imported or manufactured since January 1, 2011.

All companies that have manufactured or imported products with PFAS in any year since 2011 are required to report PFAS data to EPA.

May 8, 2025 for most companies.

November 10, 2025 for small businesses.

Exact steps

- Conduct Due Diligence to Identify PFAS in Manufactured and Imported Articles
- Register on EPA's Central Data Exchange (CDX)
- Use the Streamlined Article Import Form
- Gather Necessary Information
- Complete the Electronic Reporting Form
- Review and Certify the Submission
- Submit the Report Before the Deadline
- Retain Records
- Confidential Business Information (CBI)

Due diligence

- **Thorough and Reasonable Investigation:**
 - Due diligence should include a comprehensive investigation into your product composition and supply chain processes.
 - Whether you are a manufacturer and/ or an importer, you need to evaluate all available data, including material specification documents, safety data sheets, product compositions and supplier information, to identify the presence of PFAS.
- **Determine PFAS Presence:**
 - The primary goal of due diligence is to determine whether the articles that have been manufactured or imported contain PFAS.
 - This involves identifying any use of PFAS in the product itself or in any stage of its manufacturing process, including as a component, processing aid, or finishing agent.
 - Focus of this work should be on Tier 2 for most softgoods and possibly Tiers 1 – Tier 4 for some hardgoods.
- **Assess Reporting Requirements:**
 - If, after conducting due diligence, you do not have concrete knowledge or sufficient evidence of PFAS in your products, you might not be obligated to report under the TSCA Section 8(a)(7) rule.
 - This exemption underscores the importance of the due diligence process in determining reporting responsibilities.
- **Documentation of Due Diligence Efforts:**
 - Companies should meticulously document their due diligence processes, including all steps you've taken to investigate the presence of PFAS, communications with your suppliers, and the results of any tests or analyses conducted.
 - This documentation serves as evidence of your efforts to comply with the rule and could be crucial for demonstrating due diligence in the event of regulatory scrutiny.

Pro tip:

- ***Robust supply chain due diligence is a cornerstone of sustainability compliance.***
- ***Use this as an opportunity to develop and enhance due diligence structures and processes in your company.***

Pro Tip: Due Diligence

Developing internal processes is critical to success.

Key process steps

Identify key sustainability opportunities and requirements.

Develop your risk matrix.

Develop resource allocation plan as well as roles and responsibilities.

Set the KPIs for each goal.

Develop data collection processes and start collecting. This is the biggest step.

Develop data structures and reporting to provide access to findings.

Evaluate the collected KPI data regularly and search for risks and areas of opportunity.

Adjust business practices accordingly.

Start again.

Juvenile Products*

Applies to products designed for use by infants or children under twelve years of age

California AB-652 - July 1, 2023

On and after July 1, 2023, a person, including, but not limited to, a manufacturer, shall not sell or distribute in commerce in this state any new, not previously owned, juvenile product that contains regulated PFAS chemicals.

Juvenile product means a product designed for use by infants and children under 12 years of age, including, but not limited to, a baby or toddler foam pillow, bassinet, bedside sleeper, booster seat, changing pad, child restraint system for use in motor vehicles and aircraft, co-sleeper, crib mattress, floor playmat, highchair, highchair pad, infant bouncer, infant carrier, infant seat, infant sleep positioner, infant swing, infant travel bed, infant walker, nap cot, nursing pad, nursing pillow, playmat, playpen, play yard, polyurethane foam mat, pad, or pillow, portable foam nap mat, portable infant sleeper, portable hook-on chair, soft-sided portable crib, stroller, and toddler mattress.

Juvenile product does not include any of the following: a children's electronic product, including, but not limited to, a personal computer, audio and video equipment, calculator, wireless phone, game console, handheld device incorporating a video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, or power cord, a medical device, an internal component of a juvenile product that would not come into direct contact with a child's skin or mouth during reasonably foreseeable use and abuse of the product.

Colorado HB 22-1345 - January 1, 2024

On and after January 1, 2024, a person shall not sell, offer for sale, distribute for sale, or distribute for use in the state any product in any of the following product categories if the product contains intentionally added PFAS chemicals.

"JUVENILE PRODUCT" INCLUDES:

Bassinets and other bedside sleepers, booster seats, car seats, and other child restraint systems, changing pads, co-sleepers, crib or toddler mattresses, floor play mats, highchairs and highchair pads, infant bouncers, infant carriers, infant or toddler foam pillows, infant seats, infant sleep positioners, infant swings, infant travel beds, infant walkers, nap cots, nursing pads and pillows, play mats, playpens, play yards, polyurethane foam mats, pads, or pillows, portable foam nap mats, portable infant sleepers and hook-on chairs, soft-sided portable cribs, strollers.

"JUVENILE PRODUCT" DOES NOT INCLUDE:

Electronic products, including personal computers and any associated equipment, audio and video equipment, calculators, wireless phones, gaming consoles, handheld devices incorporating a video screen, any associated peripheral device such as a mouse, keyboard, power supply unit, or power cord, an internal component of a juvenile product that would not come into direct contact with a child's skin or mouth during reasonably foreseeable use and abuse of the product.

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

Civil actions allowed but not specified

Minnesota H.F.No. 2310

January 1, 2025

Ban on sale of ski wax, fabric treatments and juvenile products with PFAS



California AB-1817

January 1, 2025 prohibits manufacture, distribution, selling or offering for sale textile articles with PFAS.

Textile articles “include, but are not limited to, apparel, accessories, handbags, backpacks...”

Exemption “outdoor apparel for severe wet conditions” until January 1, 2028.

“Outdoor apparel” means clothing items intended primarily for outdoor activities, **including**, but not limited to, hiking, camping, **skiing**, climbing, bicycling, and fishing.

New York S1322

January 1, 2025 prohibits manufacture, distribution, selling or offering for sale apparel with PFAS.

Penalties are \$1000 per day for 1st violation and \$2000 per day for 2nd violation.

Exemption “outdoor apparel for severe wet conditions” until January 1, 2028.

“Outdoor apparel for severe wet conditions” means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from **snow**, in order to protect the health and safety of the user and that are not marketed for general consumer use. Examples of extreme and extended use products include outerwear for offshore fishing, offshore sailing, whitewater kayaking, and mountaineering.

Must be labeled as “Made with PFAS chemicals,” including for online listings of products for sale.

Certificate of Compliance

Required by:
California AB-1817
New York S1322

Sellers of products will not be held in violation of these regulations if they collect certificates of compliance.

SIA has consulted with their legal counsel to develop an industry standard certificate of compliance.

Available to SIA members only.

Can be used by brands to deliver to retailers and for retailers to collect from brands.

Includes detailed FAQ.





PART 2:

Build your playbook

Actions for Brands and Retailers

- Go to market plan
 - Certificates of Compliance
 - Surveillance testing
 - Clear labeling on product and online
 - Segment selling regions if needed
 - Clear knowledge of product and inventory status
- Messaging
 - Consumer facing
 - Sales teams/ Sales reps
 - Customer service teams
 - Web, other digital, print
 - Store managers and shop floor
- Support
 - Care and repair
- Start EPA TSCA plan
 - Work with your internal teams and supply chain





PART 3:

Q&A

Thank you!

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