

PFAS  
Hardgoods  
Juvenile products  
Ski wax  
Cross contamination

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# Regulatory Overview

# Market Conditions

## Current regulatory status

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

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

EPA rule is taking 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 are already in force.

## State of the market

Consumers are concerned.

States and EPA are acting.

Lawsuits are piling up.

# Hardgoods

Minimal specific regulation

Compliance management is difficult without any specific law regulating PFAS in hardgoods.

Nonetheless, hardgoods get pulled into other legislation.

Mainly textile, juvenile and ski wax legislation.

## Attributes of hardgoods that may cause restrictions now:

- Does it have a textile component?
  - Boot shell or lining? Helmet lining? Goggle strap? Ski pole strap?
- Does it have ski wax?
- Is it a juvenile product?
- Does it use lubricants for manufacturing or in use?
- Is there a risk of PFAS cross contamination?
- Does it contain fluoropolymers?
- Does it contain enamel, paint or ink?





# California

## AB-1817

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

The presence of PFAS in a product or product component at or above the following thresholds, as measured in total organic fluorine:

(A) Commencing January 1, 2025, 100 parts per million.

(B) Commencing January 1, 2027, 50 parts per million.

(a) "Apparel" means any of the following:

(1) Clothing items intended for regular wear or formal occasions, including, but not limited to, undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear, formal wear, onesies, bibs, diapers, **footwear**, and everyday uniforms for workwear. Clothing items intended for regular wear or formal occasions does not include personal protective equipment or clothing items for exclusive use by the United States military.

(h) "Textile" means any item **made in whole or part** from a natural, manmade, or synthetic fiber, yarn, or fabric, and includes, but is not limited to, leather, cotton, silk, jute, hemp, wool, viscose, nylon, or polyester.

(i)(1) "Textile articles" means textile goods of a type customarily and ordinarily used in households and businesses, and **include, but are not limited to**, apparel, **accessories**, handbags, backpacks, draperies, shower curtains, furnishings, upholstery, beddings, towels, napkins, and tablecloths.

**Brands must provide certificates of compliance to retailers signed by an authorized official and can be electronic.**

*A distributor or retailer of a textile article, if they are not also the manufacturer of the product, shall not be held in violation of this chapter if they relied in good faith on the certificate of compliance provided by the manufacturer.*



# 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



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## 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

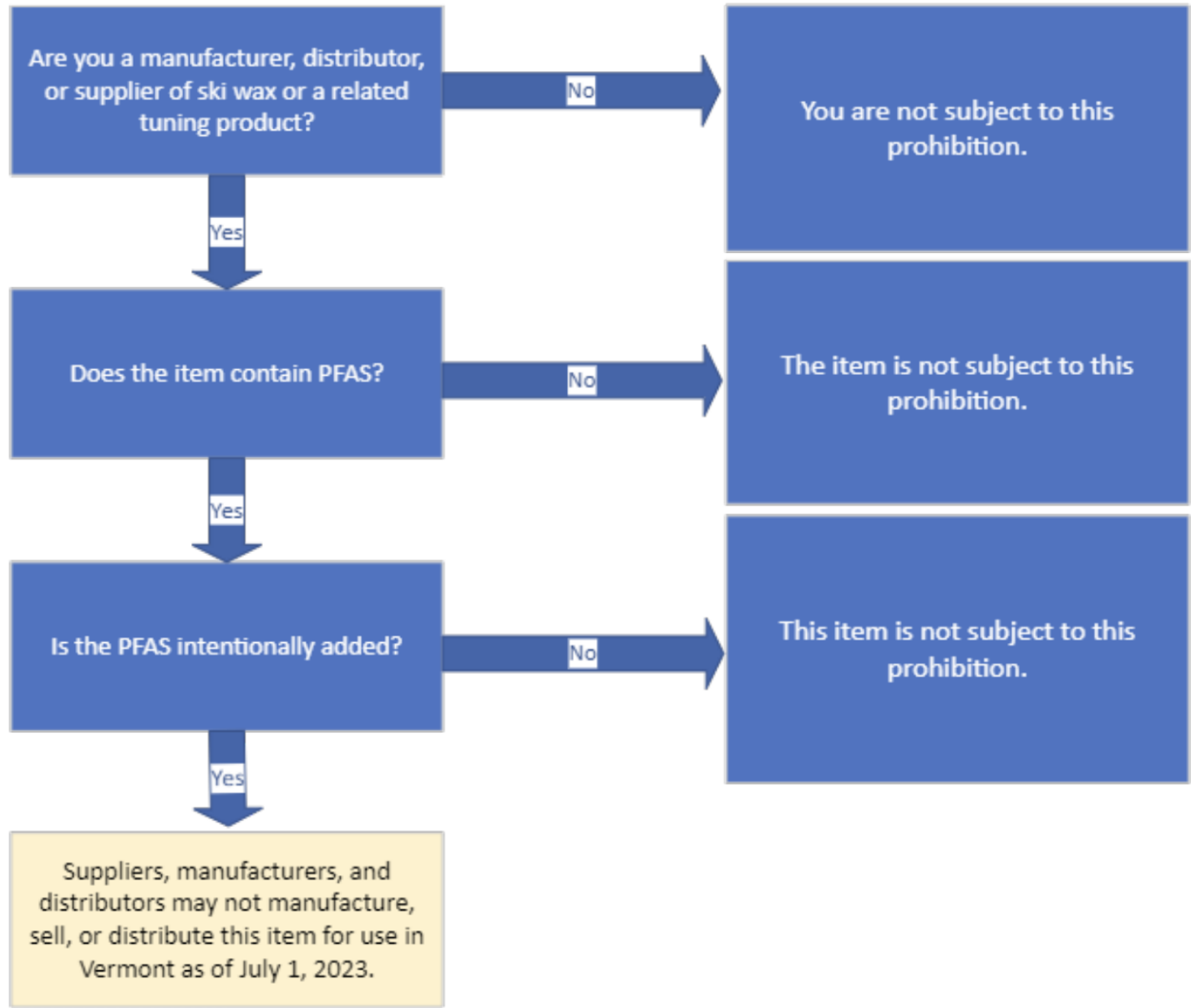
Ban on sale of ski wax with PFAS - Does not address pre-waxed products

Penalties

Civil actions allowed but not specified



Decision flow chart for PFAS in ski wax prohibition:





# Ski Wax

## 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



# Cross contamination

- PFAS are persistent, making cross contamination a high risk to your supply chain at Tier 1 and Tier 2.
- Engage and monitor your suppliers for complete phase outs.
- Require separate production lines on equipment that is only used for PFAS free production.
- Require testing.
- Areas that risk contamination:
  - Waxing – Check wax formulations
  - Printing – Check inks, enamels, paints
  - Molding – Check adhesives, resins and mold release agents
  - Treatments – Check any water repellent finishes





# 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

Robust corporate due diligence is a cornerstone of global sustainability compliance.



Developing internal processes is critical to success.

## Key process steps

Identify key sustainability opportunities and requirements.

Develop your risk matrix.

Develop sustainability goals to achieve opportunities, comply with requirements and mitigate risk.

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.





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# Next Steps

# Actions to start now

- Discuss risk internally with risk managers and lead stakeholders
- Engage and partner with your suppliers at a comprehensive level
- Investigate your supply chain to at least Tier 2
  - Check ALL components
  - Include Tier 1 processes and chemicals such as lubricants and inks
- Set up testing standards and frequency
- Know which laws apply and when
- Plan your phase out
- Segment selling regions if needed
- Clear knowledge of product and inventory status
- Start EPA TSCA plan
  - Work with your internal teams and supply chain







# Q&A

# Thank you!

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