

NEW YORK PFAS BULLETIN

NEW YORK PROHIBITS THE SALE OF CERTAIN PRODUCTS CONTAINING PFAS; MORE PRODUCTS WILL BE BANNED AT THE END OF 2024. PENALTIES FOR VIOLATION APPLY.

Executive Summary

- › New York’s PFAS regulations closely follow those of California and Maine.
- › Brands with product sales in New York (either direct or via a retailer) should inventory and start to remove PFAS across product lines ahead of these deadlines.
- › PFAS (Per- and Polyfluoroalkyl Substances), also known as “forever chemicals”, are commonly found in the form of water and stain repellents on textiles, cosmetic and personal care additives and grease repellents on food service paper goods.

The State of New York has and will continue to implement the following prohibitions and requirements:

Affected Product Category <small>Click links to view laws; See pg. 2 for definitions & exemptions</small>	Requirements	Effective Date	Penalties
Food Packaging	Intentionally added PFAS Prohibited	12/31/22	1st Violation: Up to \$10,000/violation 2nd+ Violation: Up to \$25,000/violation
Children’s Product & Children’s Apparel	High-priority chemicals (including PFOA & PFOS) require notification	2/7/21	N/A
Carpet	PFAS Prohibited	12/31/24	Up to \$5,000/violation AND Up to \$500/day
Apparel & Outdoor Apparel	Intentionally added PFAS Prohibited	1/1/25	1st Violation: Up to \$1,000/day 2nd+ Violation: Up to \$2,500/day
	PFAS Prohibited (at or above a certain level TBD)	1/1/27	
Outdoor Apparel for Severe Wet Conditions	Intentionally added PFAS or at or above a certain level (TBD) prohibited	1/1/28	

Our Services

- ›› We specialize in **advisory services** and can organize a **plan of action** for you.
- ›› We provide **lab recommendations** and can help with **testing coordination**.
- ›› To stay informed, we offer **legislation guidance** with **regular updates**.



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Background

New York lawmakers have begun to create laws that seek to limit PFAS in the environment by restricting or prohibiting the sale of the substances in consumer goods. PFAS, known as ‘forever chemicals’ due to their persistence in the environment, are considered an emerging contaminant by the EPA and a threat to the ecosystem and human health. 24 states in the U.S. have adopted various policies around PFAS while the European Union has also released PFAS requirements for brands and manufacturers.

Definitions & Exemptions*

PFAS (Per- and Polyfluoroalkyl Substances)

A class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

Intentionally Added Chemical

A chemical in a product that serves an intended function or technical effect in the product or product component, including the PFAS within intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product or product component.

Outdoor Apparel

Clothing intended primarily for outdoor activities.

Outdoor Apparel for Severe Wet Conditions

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.

Carpet

A manufactured article that is (a) used in commercial buildings or single or multifamily residential buildings, (b) affixed or placed on the floor or building walking surface as a decorative or functional building interior or exterior feature, and (c) primarily constructed of a top surface of synthetic or natural face fibers or yarns or tufts attached to a backing system made of synthetic or natural.

DOES NOT INCLUDE: handmade rugs, area rugs, or mats.

Food packaging

A package or packaging component that is intended for direct food contact and is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.

Apparel

Clothing items intended for regular wear or formal occasions. **DOES NOT INCLUDE:** Professional uniforms that are worn to protect the wearer from health or environmental hazards (e.g. PPE); outdoor apparel for severe wet conditions.

Children's Apparel

Any item of clothing that consists of fabric or related material intended or promoted for use in children's clothing.

Children's Product

A consumer product primarily intended for, made for or marketed for use by children. **DOES NOT INCLUDE:** batteries; consumer electronic products and their component parts; sporting equipment; science kits; toy engines and sets of darts with metallic points; motor vehicles or their component parts, watercraft or their component parts, all-terrain vehicles or their component parts, or off-highway motorcycles or their component parts.

**For more detailed information, please refer to the Affected Product Category links on the first page.*


For more information on current and pending PFAS legislation, view our other bulletins here:

[PFAS Bulletins](#)



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