

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 197 entitled “An act relating to the procurement and distribution of
4 products containing perfluoroalkyl and polyfluoroalkyl substances and
5 monitoring adverse health conditions attributed to perfluoroalkyl and
6 polyfluoroalkyl substances” respectfully reports that it has considered the same
7 and recommends that the bill be amended by striking out all after the enacting
8 clause and inserting in lieu thereof the following:

9 * * * Products Containing PFAS * * *

10 Sec. 1. 18 V.S.A. chapter 35 is added to read:

11 CHAPTER 35. PRODUCTS CONTAINING PFAS

12 § 1711. DEFINITIONS

13 As used in this chapter:

14 (1) “Department” means the Department of Health.

15 (2) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a
16 class of fluorinated organic chemicals containing at least one fully fluorinated
17 carbon atom.

18 (3) “Product” means an item manufactured, assembled, packaged, or
19 otherwise prepared for sale to consumers, including its product components.

20 (4) “Product component” means an identifiable component of a product
21 regardless of whether the manufacturer of the product is the manufacturer of

1 the component.

2 § 1712. EDUCATIONAL MATERIALS

3 (a) The Department shall provide information to the public, available
4 electronically on the Department’s website, and create public service
5 announcements describing the health consequences of exposure to PFAS,
6 including:

7 (1) the prevalence of PFAS in private and public drinking water;

8 (2) any U.S. Environmental Protection Agency guidelines on drinking
9 water;

10 (3) the availability of the Department’s test for detecting PFAS in
11 drinking water; and

12 (4) advice for reducing personal PFAS exposure.

13 (b) The Department shall provide information to health care providers,
14 available electronically on the Department’s website, describing the health
15 consequences of exposure to PFAS, symptoms of PFAS exposure, diagnostic
16 tests related to PFAS exposure, and any other related guidance documents
17 produced by the U.S. Centers for Disease Control and Prevention’s Agency for
18 Toxic Substances and Disease Registry.

19 **Sec. 2. REPORT; PRODUCTS CONTAINING PFAS**

20 (a) The Agency of Natural Resources, in consultation with the Agency of
21 Agriculture and the Department of Health, shall propose a program for

1 restricting the use of perfluoroalkyl and polyfluoroalkyl substances (PFAS) in
2 consumer products. The recommendation shall:

3 (1) identify consumer products that have high concentrations of PFAS
4 or have a high potential for release into the environment;

5 (2) establish a process by which manufacturers determine whether a
6 consumer product contains PFAS;

7 (3) address how information about the presence or lack of PFAS in a
8 consumer product is conveyed to the public;

9 (4) describe which agency or department is responsible for
10 administration of the proposed program, including what additional staff or
11 information technology changes, if any, are necessary to implement the
12 program;

13 (5) determine whether and how other States have structured and
14 implemented similar programs and identify the best practices used in these
15 efforts; and

16 (6) propose definitions of “intentionally added,” “consumer product,”
17 and “perfluoroalkyl and polyfluoroalkyl substances.”

18 (b) The Agency of Natural Resources shall obtain input on its
19 recommendation from interested parties, including those that represent
20 environmental and industry interests.

21 (c) On or before November 1, 2024, the Agency of Natural Resources shall

1 submit recommendations developed pursuant to this section and corresponding
2 draft legislation to the House Committees on Environment and Energy and on
3 Human Services and the Senate Committees on Health and Welfare and on
4 Natural Resources and Energy.

5 * * * Restricting PFAS in Pesticides * * *

6 Sec. 3. 6 V.S.A. §1101 is amended to read:

7 § 1101. DEFINITIONS

8 As used in this chapter unless the context clearly requires otherwise:

9 (1) “Secretary” ~~shall have~~ has the meaning stated in subdivision 911(4)
10 of this title.

11 (2) “Cumulative,” when used in reference to a substance, means that the
12 substance so designated has been demonstrated to increase twofold or more in
13 concentration if ingested or absorbed by successive life forms.

14 (3) “Dealer or pesticide dealer” means any person who regularly sells
15 pesticides in the course of business, but not including a casual sale.

16 (4) “Economic poison” ~~shall have~~ has the meaning stated in subdivision
17 911(5) of this title.

18 (5) “Pest” means any insect, rodent, nematode, fungus, weed, or any
19 other form of terrestrial or aquatic plant or animal life or virus, bacteria, or
20 other microorganisms that the Secretary declares as being injurious to health or

1 environment. Pest ~~shall~~ does not mean any viruses, bacteria, or other
2 microorganisms on or in living humans or other living animals.

3 (6) “Pesticide” for the purposes of this chapter ~~shall be~~ is used
4 interchangeably with “economic poison.”

5 (7) “Treated article” means a pesticide or class of pesticides exempt
6 under 40 C.F.R. § 152.25(a) from regulation under the Federal Insecticide,
7 Fungicide, and Rodenticide Act, 7 U.S.C. § 136–136y.

8 (8) “Neonicotinoid pesticide” means any economic poison containing a
9 chemical belonging to the neonicotinoid class of chemicals.

10 (9) “Neonicotinoid treated article seeds” are treated article seeds that are
11 treated or coated with a neonicotinoid pesticide.

12 (10) “Intentionally added” means the addition of a chemical in a product
13 that serves an intended function in the product component.

14 (11) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means
15 a class of organic chemicals containing at least one fully fluorinated carbon
16 atom.

17 Sec. 4. 6 V.S.A. § 1114 is added to read:

18 § 1114. PFAS IN PESTICIDES

19 (a)(1) A person shall not sell, offer for sale, use, or distribute in the State a
20 pesticide that has been adulterated in an amount exceeding 20 parts per trillion
21 by the following substances:

1 (A) perfluoroheptanoic acid (PFHpA);

2 (B) perfluorohexane sulfonic acid (PFHxS);

3 (C) perfluorononanoic acid (PFNA);

4 (D) perfluorooctane sulfonic acid (PFOS);

5 (E) perfluorooctanoic acid (PFOA); and

6 (F) perfluorodecanoic acid (PFDA).

7 (2) A pesticide shall not contain a substance listed in this subsection as
8 an active, inactive, or inert ingredient.

9 (b) Pesticides that do not contain PFAS as an intentionally added ingredient
10 and that have been packaged within a fluorinated high-density polyethylene
11 container shall be tested for PFAS prior to sale, offer for sale, or distribution.

12 A pesticide containing PFAS due to chemicals leached from the container in an
13 amount exceeding 20 parts per trillion is prohibited from sale, offer for sale,
14 use, or distribution.

15 (c) Manufacturers and distributors of pesticides shall submit a confidential
16 statement of formula for each pesticide or pesticide product registered with the
17 State and an affidavit to the Secretary. The statement of formula and the
18 affidavit are exempt from public inspection and copying under the Public
19 Records Act and shall be kept confidential. The Public Records Act
20 exemptions created in this subsection shall not be subject to the provisions of
21 1 V.S.A. § 317(e) (repeal of Public Records Act exemptions).

1 (d) A manufacturer or distributor required to submit forms under
2 subsection (b) of this section shall submit the forms during the product
3 registration review or during reregistration pursuant to section 918 of this title.
4 The affidavit shall state whether a pesticide has ever been stored, distributed,
5 or packaged in a fluorinated high-density polyethylene container and whether
6 the pesticide has been tested for PFAS.

7 (e) The Secretary shall specify the format for submission of the notice
8 required. Any notice submitted shall contain the following information:

9 (1) the name of the intentionally added chemicals in the pesticide
10 registered with the U.S. Environmental Protection Agency;

11 (2) a description of the product or product component containing PFAS,
12 including the brand name, the product model, and the universal product code
13 (UPC) if the product has such a code;

14 (3) the amount of the chemical contained in each unit of the product or
15 product component, reported by weight or parts per trillion as authorized by
16 the Secretary;

17 (4) the name and address of the manufacturer of the product and the
18 name, address, and telephone number of a contact person for the manufacturer;
19 and

20 (5) any other information the manufacturer deems relevant to the
21 appropriate use of the product.

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* * * Effective Dates * * *

Sec. 5. EFFECTIVE DATES

This act shall take effect on July 1, 2024, except Secs. 3 and 4 (restricting PFAS in pesticides) shall take effect on January 1, 2025.

and that after passage the title of the bill be amended to read: “An act relating to restricting perfluoroalkyl and of polyfluoroalkyl substances in consumer products”

(Committee vote: _____)

Senator _____
FOR THE COMMITTEE