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Act No. 54 (H.238). An act relating to the phaseout of consumer products containing added perfluoroalkyl and polyfluoroalkyl substances

Subjects: Conservation and development; toxic substances; consumer products; perfluoroalkyl and polyfluoroalkyl substances

This act amends the State's prohibitions on the sale of consumer goods containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) to include three additional types of consumer products of which the sale or distribution of the product would be banned if the product contained intentionally added PFAS. The additional products are cleaning products, dental floss, and fluorine treated containers. The prohibition on dental floss and cleaning products containing intentionally added PFAS takes effect on July 1, 2027. The prohibition on the sale or distribution of fluorine treated containers with intentionally added PFAS also goes into effect on July 1, 2027, for consumer products regulated under the chapter that do not contain intentionally added PFAS. Beginning on January 1, 2032, a manufacturer shall not manufacture, sell, or distribute for use in the State a fluorine treated container or any consumer product in a fluorine treated container. In addition, the act extends the effective date of the prohibition on the sale and distribution of cookware containing intentionally added PFAS to July 1, 2028. The act also restructures the statute for the regulation of PFAS in consumer products and incorporates requirements from previous acts under this act.

The act requires the Secretary of Natural Resources on or before January 15, 2027, to submit to the General Assembly a report regarding the regulation by other states of PFAS in consumer products. The report shall include a recommendation based on review of regulatory programs in other states on whether Vermont should establish a regulatory program for PFAS in consumer products, including the State agency in which such a program should be located, the staffing required, and a time frame for implementation. The act also requires the Secretary of Natural Resources on or before January 15, 2033, to provide a recommendation to the General Assembly on how to address PFAS in complex durable goods. In addition, the act requires the Secretary of Agriculture, Food and Markets to submit to the General Assembly on or before January 15, 2033, a recommendation on how to address PFAS in food.

The act also bans the sale or distribution of firefighting personal protective equipment (PPE) containing intentionally added PFAS beginning July 1, 2029, provided that the initial prohibition shall not apply to the sale or distribution of respirators or respirator equipment. On July 1, 2032, the act bans the sale of respirators and respirator equipment containing intentionally added PFAS. In addition, the act requires that the manufacturer of firefighting station wear provide notice of intentionally added PFAS to buyers until July 1, 2026, when the requirements for the sale or distribution of apparel containing intentionally added PFAS go into effect. The act also requires the Agency of Natural

Resources to report to the General Assembly on the availability and cost of PPE that does not include PFAS.

Multiple effective dates, beginning on July 1, 2025