

# PFAS Regulation in Vermont

Depends on What You Define as PFAS

# What is PFAS?

- Per- and polyfluoroalkyl substances (PFAS) are a large, complex group of synthetic chemicals that have been used in consumer products around the world since about the 1950s.
- They are ingredients in various everyday products. For example, PFAS are used to keep food from sticking to packaging or cookware, make clothes and carpets resistant to stains, and create firefighting foam that is more effective.
- PFAS molecules have a chain of linked carbon and fluorine atoms. Because the carbon-fluorine bond is one of the strongest, these chemicals do not degrade easily in the environment.

See National Institute of Environmental Health Sciences, at <https://www.niehs.nih.gov/health/topics/agents/pfc>

# What is PFAS?

- 
- PFAS have the following adverse health impacts:
    - Cancer – PFAS increases the risk of kidney, prostate, and testicular cancer.
    - Immune system – PFAS decreases the body’s ability to fight disease and the effectiveness of vaccines. PFAS is also interferes with the body’s hormone system.
    - Reproductive health – PFAS can decrease fertility and increase blood pressure during pregnancy amongst other issues during pregnancy.
    - Developmental issues – PFAS can cause developmental delays including low birth weight, bone variations, and accelerated puberty.
  - Risks from PFAS (specifically PFOA and PFOS and similar PFAS) are expected to occur below our current ability to detect those contaminants.

# How Are PFAS Regulated in Vermont? Depends on the Activity

- The first question to ask when developing regulatory requirements for PFAS is—how do you define PFAS? Why? There are three different ways to define PFAS for purposes of regulation.

## **Alternative 1:**

**Specifically, list the PFAS chemicals to be regulated. For example:**

- In April 2024 EPA adopted primary drinking water regulations for six PFAS
  - PFOA: 4ppt
  - PFOS: 4 ppt
  - PFHxS: 10 ppt
  - PFNA: 10 ppt
  - HFPO-DA (Gen X): 10 ppt

# How Are PFAS Regulated in Vermont? Depends on the Activity

## Alternative 2

### U.S. EPA definition in 40 C.F.R. § 705.3, Toxic Substances Control Act:

- *Per- and polyfluoroalkyl substances* or *PFAS* means, for the purpose of this part, any chemical substance or mixture containing a chemical substance that structurally contains at least one of the following three sub-structures:
  - (1)  $R-(CF_2)-CF(R')R''$ , where both the  $CF_2$  and  $CF$  moieties are saturated carbons.
  - (2)  $R-CF_2OCF_2-R'$ , where  $R$  and  $R'$  can either be  $F$ ,  $O$ , or saturated carbons.
  - (3)  $CF_3C(CF_3)R'R''$ , where  $R'$  and  $R''$  can either be  $F$  or saturated carbons.

# How Are PFAS Regulated in Vermont? Depends on the Activity

## **Alternative 3.**

- General Definition, often used in Vermont regulation of Consumer Products:
  - “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

# How Are PFAS Regulated in Vermont? Depends on the Activity

## Why Does it Matter:

- U.S. EPA definition—approximately 1,450 different chemicals
- General Definition—approximately 15,000 different chemicals
- Definition selected and its scope may require additional resources, capacities, and enforcement.

- If You Were a Regulatory Agency, Which Definition Would You Prefer?
  - Why?

# Act 131 Consumer Products Report

Sec. 9 of Act 131 of 2023 required ANR, in consultation with the Agency of Agriculture, Food and Markets, Department of Health, and Office of the Attorney General to [report back with recommendations](#) and [draft legislation](#) on how to effectively manage PFAS within the State, how to inform the public of risk, what Agency would be responsible for management of PFAS in consumer products, and recommendations for the definitions of “PFAS,” “consumer product,” and “intentionally added.”

# ANR Proposed Program to Regulate PFAS in Consumer Products

Sec. 1. 10 V.S.A. chapter 169 is added to read:1

## CHAPTER 169. PHASE OUT OF PFAS ADDED CONSUMER PRODUCTS2

### § 7601. DEFINITIONS3

(1) “Adult mattress” means a mattress other than a crib or toddler mattress.

(2) “Aftermarket stain and water-resistant treatments” means treatments for textile and leather consumer products used in residential settings for stain, oil, and water resistance, but excludes products marketed or sold exclusively for use at industrial7 facilities during the manufacture of a carpet, rug, clothing, or shoe.

(3) “Alternative” means a substitute process, product, material, chemical, strategy, or combination of these that has been evaluated and serves a functionally equivalent purpose to a PFAS in a product that presents a lesser hazard to human health and the environment than use of PFAS in the product.

\*\*\*

(26) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means “PFAS” as defined in 40 C.F.R. § 705.3. The Secretary may adopt exemptions to the definition of PFAS if that chemical is not toxicologically similar to chemicals defined as PFAS. The Secretary may add chemicals to the definition of PFAS if that chemical contains at least one fully fluorinated carbon atom and is toxicologically similar to chemicals defined as PFAS.

(27) “PFAS-added consumer product” means a consumer product that was manufactured after the effective date of this chapter where PFAS was intentionally added to that product or a component of the product.

# Act No. 54 of 2025—Broad Definition of PFAS But Narrower Program

No. 54  
2025

→

Page 1 of 21

No. 54. An act relating to the phaseout of consumer products containing added perfluoroalkyl and polyfluoroalkyl substances.

(H.238)

It is hereby enacted by the General Assembly of the State of Vermont:

\*\*\*PFAS in Consumer Products\*\*\*

Sec. 1. 9 V.S.A. chapter 63, subchapter 12A is amended to read:

Subchapter 12A. PFAS in Consumer Products

§ 2494e. DEFINITIONS

As used in this subchapter:

(13)(16) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS”

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

No. 54  
2025

Page 3 of 21

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

“Intentionally added PFAS” means PFAS added to a product regulated under this subchapter or one of its product components to provide a specific characteristic, appearance, or quality or to perform a specific function.

“Intentionally added PFAS” also includes any degradation byproducts of PFAS or PFAS that are intentional breakdown products of an added chemical.

For the purposes of this chapter the use of PFAS as a processing agent, mold release agent, or intermediate is considered intentional introduction where PFAS are detected in the final covered product.

# What Products has Vermont already Phased Out

## Act 36 of 2021

- **Class B Firefighting Foam** (eff. 10/23)
- **Firefighter turnout gear** (notice only)
- **Direct contact food packaging** (7/23)
- **Rugs, carpets, and aftermarket water resistant treatments** (7/23)
- **Ski wax** (7/23)

## Act 131 of 2023

- **Cosmetics and menstrual products** (1/26)
- **Adult mattresses** (1/26)
- **Apparel** (1/27 except for outdoor gear for severe weather which takes effect 1/28)
- **Artificial turf** (1/26)
- **Cookware** (1/26)
- **Incontinency protection products** (1/26)
- **Juvenile products** (1/26)
- **Textiles** (1/27)

# Act 54 of 2025

- Act 54 amended 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.
- Act 54 also banned 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.


# FACT CHECK: EPA Debunks False Claims that Agency Recently Approved "Forever Chemical" Pesticides

November 26, 2025

## Contact Information

EPA Press Office ([press@epa.gov](mailto:press@epa.gov))

**WASHINGTON** – U.S. Environmental Protection Agency (EPA) Office of Chemical Safety and Pollution Prevention experts with decades of experience in pesticide evaluation, today issued a comprehensive fact-check addressing dangerous misinformation circulating about EPA's recent pesticide approvals.

Yesterday, EPA Administrator Lee Zeldin [corrected the record](#)  on the fake news from Democrats and their media allies. In an X post, Administrator Zeldin reaffirmed the EPA's unwavering commitment to rigorous, science-based standards and full compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The Administrator made clear that protecting American families remains the top priority—ensuring that every approved pesticide undergoes thorough safety evaluation and poses no health risks when used as directed.

**BOTTOM LINE: EPA-Approved Single Fluorinated Compounds Are NOT Forever Chemicals and Pose No**

# PFAS: PESTICIDE ACTIVE AND INERT INGREDIENTS

[Minnesota Department of Agriculture](#) > [Environment, Sustainability](#) > [Farmland Protection](#) > [Products with Added PFAS](#)

[Overview](#)

[PFAS Products](#)

[PFAS: Reporting](#)

[Pesticide Ingredients](#)

[Current](#)

## Pesticide Active and Inert Ingredients Categorized as PFAS

The MDA has identified a number of pesticide active and inert ingredients as PFAS based on the definition of PFAS in Minnesota Statute.

[Minnesota Statute \(MINN. STAT. §18B.01 Subd. 15\(c\)\)](#) defines PFAS as:

*"Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.*

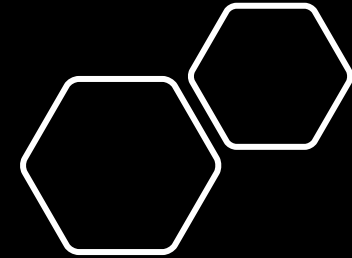
The MDA is applying the [15 U.S. Code § 8931\(2\)\(B\)](#) definition of "fully fluorinated carbon" in its preliminary review:

*The term "fully fluorinated carbon atom" means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.*

Additional information about Minnesota's PFAS definition is available in the MDA's [PFAS in Pesticides: Final Report to the Legislature](#) (see page 12 and Appendix B). The report also describes the MDA's approach to screening pesticide ingredients.

## Pesticide Inert Ingredients

The MDA completed a preliminary screening of all pesticide inert ingredients approved for use by the EPA and present in the [EPA's InertFinder database](#) as of February 2024. Twelve ingredients were identified as meeting the Minnesota Statute definition of PFAS (see table). This list is subject to change upon further evaluation or consultation with experts.



Where  
You  
Start is  
Often  
Where You  
End

- In 2022, the Maine General Assembly banned the sale and distribution of products with an intentionally-added PFAS by 2030, including pesticides containing PFAS chemicals.
- In January of 2026, the Maine Board of Pesticides approved the use of pesticides that allegedly contain PFAS—cyclobutrifluram, epyrifenacil, and isocycloseram.
- The 2030 ban on intentionally added PFAS is still in place and will apply in 2030.