

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Environment to which was referred House Bill No. 238
3 entitled “An act relating to the phaseout of consumer products containing
4 added perfluoroalkyl and polyfluoroalkyl substances” respectfully reports that
5 it has considered the same and recommends that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 Subchapter 12A. PFAS in Consumer Products

10 § 2494e. DEFINITIONS

11 As used in this subchapter:

12 * * *

13 (7) “Intentionally added” means the addition of a chemical ~~in a product~~
14 that serves an intended function in the ~~product component~~ manufacturing of a
15 product or the final product. The addition of PFAS must be known or
16 reasonably ascertainable by the manufacturer. PFAS shall not be considered
17 intentionally added if the chemical is present in the product due to the use
18 during manufacturing or processing of water from a public water system or
19 potable water supply.

20 * * *

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

4 * * *

5 (20) “Cleaning product” means a compound intended for routine
6 cleaning, including general purpose cleaners, bathroom cleaners, glass
7 cleaners, carpet cleaners, floor care products, and hand soaps. “Cleaning
8 product” does not mean an antimicrobial pesticide.

9 (21) “Dental floss” means a string-like device made of cotton or other
10 fibers intended to remove plaque and food particles from between the teeth to
11 reduce tooth decay. The fibers of the device may be coated with wax for easier
12 use.

13 (22) “Fluorine treated containers” means a fluorinated treated plastic
14 container or another fluorinated container listed by the Attorney General by
15 rule.

16 (23) “Known or reasonably ascertainable” means all information in a
17 person’s possession or control, plus all information that a reasonable person
18 similarly situated might be expected to possess, control, or know.

19 * * *

1 § 2494p. CLEANING PRODUCTS

2 (a) A manufacturer shall not manufacture, sell, offer for sale, distribute for
3 sale, or distribute for use in this State a cleaning product to which PFAS have
4 been intentionally added in any amount.

5 (b) This section shall not apply to the sale or resale of used products.

6 § 2494q. DENTAL FLOSS

7 (a) A manufacturer shall not manufacture, sell, offer for sale, distribute for
8 sale, or distribute for use in this State dental floss to which PFAS have been
9 intentionally added in any amount.

10 (b) This section shall not apply to the sale or resale of used products.

11 § 2494r. FLUORINATED CONTAINERS

12 (a) A manufacturer shall not manufacture, sell, offer for sale, distribute for
13 sale, or distribute for use in this State a fluorinated container to which PFAS
14 have been intentionally added in any amount.

15 (b) This section shall not apply to the sale or resale of used products.

16 Sec. 2. REDESIGNATION OF SUBCHAPTER SECTIONS

17 (a) The sections in 9 V.S.A. chapter 63, subchapter 12B are redesignated
18 from 9 V.S.A. §§ 2494p–2494v to §§ 2494aa–2494gg.

19 (b) The sections in 9 V.S.A. chapter 63, subchapter 12C are redesignated
20 from 9 V.S.A. §§ 2494w–2494z to §§ 2494mm–2494pp.

1 Sec. 3. ANR REPORT ON PFAS REGULATION

2 (a) As used in this section, “perfluoroalkyl and polyfluoroalkyl substances”
3 or “PFAS” means a class of fluorinated organic chemicals containing at least
4 one fully fluorinated carbon atom.

5 (b) On or before January 15, 2027, the Secretary of Natural Resources shall
6 submit to the House Committees on Environment and on Human Services and
7 the Senate Committees on Natural Resources and Energy and on Health and
8 Welfare a report regarding the regulation by other states of PFAS in consumer
9 products. The report shall include:

10 (1) a summary of programs in other states that regulate PFAS in
11 consumer products, including whether other States have implemented a
12 regulatory program based on the definition of PFAS used in this section;

13 (2) if other states have implemented regulatory programs for PFAS, a
14 summary of the effectiveness of the programs, including any obstacles or
15 difficulties these states may have faced in implementing a program, the
16 staffing required for a program, and the time frame under which each state
17 implemented the program;

18 (3) a recommendation, based on review of regulatory programs in other
19 states, whether Vermont should establish a regulatory program for PFAS in
20 consumer products, including the State agency in which such a program should
21 be located, the staffing required, and a time frame for implementation; and

1 (4) any other information that the Secretary determines is necessary for
2 the purpose of informing the General Assembly whether or not to enact a
3 regulatory program for PFAS in consumer products.

4 Sec. 4. EFFECTIVE DATES

5 (a) This section and Sec. 3 (ANR report) shall take effect on July 1, 2025.

6 (b) Secs. 1 and 2 (PFAS in consumer products) shall take effect on July 1,
7 2027.

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11 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE