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TO: Senator Ginny Lyons, Chair, Senate Committee on Health and Welfare
Katie McLinn, Legislative Counsel

FROM: Todd Daloz, AAG, Director of Policy & Legislative Affairs
Laura Murphy, AAG, Director of Environmental Protection Unit

DATE: February 17, 2026

RE: Revisions to PFAS Product Bans

The Attorney General's Office recommends the following four updates to Vermont's PFAS product bans law. We believe these are housekeeping revisions that will make the relevant subchapters internally consistent, but would be happy to discuss should our understanding be incorrect. These four items are listed in general order of priority.

Definition of "Intentionally Added"

Currently, the definition of "intentionally added" in the cosmetic and menstrual products (9 V.S.A. § 2494a(4)) and food packaging (9 V.S.A. § 2494w(4)) subchapters is not consistent with [Act 54's](#) amendment of the definition in the consumer products (9 V.S.A. § 2494e(10)) and firefighting agents and equipment subchapters (9 V.S.A. § 2494p(2)). To make the definition consistent:

- The existing definition in 9 V.S.A. §§ 2494a(4) and 2494w(4) should be effective until July 1, 2027. This will be consistent with the timeframe in the consumer products subchapter.
- Add the following definition to 9 V.S.A. §§ 2494a(4) and 2494w(4), effective July 1, 2027:

"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.

Certificate of Compliance

Unlike the other subchapters (consumer products, firefighting agents and equipment, food packaging), the cosmetics and menstrual products subchapter does not have a “certificate of compliance” provision. To add a certificate of compliance provision to the cosmetic and menstrual products subchapter, the following language should be added as 9 V.S.A. § 2494c:

- (a) The Attorney General may request a certificate of compliance from a manufacturer of a cosmetic or menstrual product. Within 60 days after receipt of the Attorney General’s request for a certificate of compliance, the manufacturer shall:
- (1) provide the Attorney General with a certificate attesting that the manufacturer’s product or products comply with the requirements of this subchapter; or
 - (2) notify persons who are selling a product of the manufacturer’s in this State that the sale is prohibited because the product does not comply with this subchapter and submit to the Attorney General a list of the names and addresses of those persons notified.
- (b) A manufacturer required to submit a certificate of compliance pursuant to this section may rely upon a certificate of compliance provided to the manufacturer by a supplier for the purpose of determining the manufacturer’s reporting obligations. A certificate of compliance provided by a supplier in accordance with this subsection shall be used solely for the purpose of determining a manufacturer’s compliance with this section.

The current section 2494c could be renumbered to 2494d for consistency with the order of sections in other subchapters.

Definition of “Manufacturer”

The food packaging subchapter does not have a definition of “manufacturer.” For consistency with other subchapters (cosmetic and menstrual products (9 V.S.A. § 2494a(5)), consumer products (9 V.S.A. § 2494e(12)), firefighting agents and equipment (9 V.S.A. § 2494p(3))), the same definition should be added as 9 V.S.A. § 2494w(5) (with the subsequent definitions in § 2494w renumbered):

“Manufacturer” means any person engaged in the business of making or assembling a consumer product directly or indirectly available to consumers. “Manufacturer” excludes a distributor or retailer, except when a consumer product is made or assembled outside the United States, in which case a “manufacturer” includes the importer or first domestic distributor of the consumer product.

Reuse of Food Packaging

Last year, in [Act 54](#), the resale/reuse exception to the consumer products ban was amended. For consistency with the new provision in the consumer products subchapter (9 V.S.A. § 2494f(c)), the resale/reuse exception in the food packaging subchapter (9 V.S.A. § 2494x(d)) should be amended to:

This section shall not apply to the sale, offer for sale, distribution for sale, or distribution for use of food packaging that has been previously used by a consumer for the intended purpose of the product.