

by **enhesa.**

PFAS Regulatory Developments.

May 2024



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Navigating the regulatory landscape on PFAS

Per- and polyfluoroalkyl substances (PFAS) are a diverse group of chemicals found in a wide range of consumer and industrial products, from firefighting foam to food contact materials, cosmetics and many more.

Due to associated health and environmental risks, they have become a focus for regulatory authorities in recent years with efforts intensifying to restrict their use.

In the US, state-level restrictions for PFAS-containing food packaging are coming into force, ahead of a wider range of restrictions scheduled for 2025, including pioneering bans on apparel and cosmetics as well as compounds in fracking fluid.

In the EU, ECHA last year published the EU REACH restriction proposal for PFAS, with further developments pending. Member states are also forging ahead with their own steps to prohibit PFAS, such as France's new bill to ban PFAS in apparel and cosmetics.

As regulatory authorities worldwide pursue ambitious PFAS restrictions, Enhesa Product Intelligence is committed to helping product safety, compliance and sustainability professionals stay updated on the impact for their products.

Our award-winning Chemical Watch News & Insight offering provides in-depth, easy-to-understand coverage; the Chemical Watch Events & Training team hosts a world-class program of events including regular events on PFAS; and our analyst team supports clients with expert services and regulatory data tools.

In this report, you will find a sample of Chemical Watch News & Insight reporting and information drawn from our range of solutions, as well as an infographic detailing PFAS regulatory dates for 2024 and beyond. This content demonstrates the depth and breadth of our coverage, as well as the impartial, easy-to-understand quality of our analysis and reporting.

The Enhesa Product Intelligence team



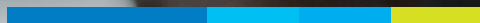
Empower your business, create safer products.

At Enhesa Product Intelligence we empower our members to transform product safety management and unlock the full value of regulatory compliance within their business.

Discover how membership can help you achieve your compliance goals by joining us for one of our upcoming demos.

News and insight: coverage highlights.

Read a curated sample of Chemical Watch News & Insight content, featuring regulatory updates and developments concerning PFAS.



French Parliament takes first step to prohibit PFAS in clothing, cosmetics

Kitchen utensils removed from text after industry pushback

05 April 2024

France's National Assembly on Thursday unanimously approved the first reading of a bill that would restrict the manufacture and sale of non-essential products containing PFAS, paving the way for the EU member state to take concrete action on the substances ahead of a union-wide ban.

The bill, introduced by MP Nicolas Thierry from the ecologist party (EELV), calls for a ban on the manufacture, import and sale of any cosmetic product, ski wax and clothing containing PFAS – with the exception of protective clothing for safety and civil security professionals – from 2026. All clothing containing the chemicals would be prohibited from 2030.

The National Assembly removed cookware from the scope of the measure following manufacturer protests this week.

After kitchenware manufacturer Groupe SEB warned that the proposed restriction would endanger some 3,000 jobs at its regional plants, which produce Tefal frying pans and stoves with non-stick coating, hundreds of its employees congregated near the French Parliament to oppose the move.

Following the vote, Thierry said: "I regret that one industry's coarse lobbying found an echo with [a] majority [of] right-wing and far-right MPs."

In an earlier comment, French Prime Minister Gabriel Attal said that the issue should be dealt with at the European level, where it would be discussed in the context of the REACH regulation.

However, Thierry said action at the EU level "is subject to a lengthy decision-making process" and could, in the most favourable scenario, be completed by 2027-28.

The adopted bill also introduced:

- a tax on manufacturers that emit 100 grams or more of PFAS into the environment; and
- an obligation for the health ministry to publish a national report on the presence of the substances in tap water.

The bill will now be discussed and voted on in the French Parliament's upper chamber, the Senate. Afterwards it will return to the National Assembly and the Senate for a second reading before a final vote in a joint committee.

France Chimie, the country's industry group, did not directly respond to the vote, but said in a Q&A document on the substances on Thursday that it "does not support national bans, which would ignore the evolution of current European regulations".

François Veillerette, spokesperson for NGO Générations Futures, called the adoption of the text "a first great victory on the path to the inevitable exit from PFAS".

FURTHER INFORMATION

[Bill \(in French\)](#)

[France Chimie Q&A \(in French\)](#)

[NGO statement \(in French\)](#)

EU agreement paves way for proposed PFAS food packaging ban

Provision would be revisited in four years to avoid regulatory overlap on the substances

06 March 2024

The European Parliament and EU Council of Ministers have reached an agreement to prohibit PFAS in food packaging under the European Commission's proposed packaging and packaging waste regulation (PPWR).

The provisional deal, struck on 4 March, will pave the way for the Commission to adopt the measure on the persistent substances at a time of uncertainty for the EU-wide PFAS restriction proposal under the REACH regulation.

Last month, the Council of Ministers' Belgian presidency suggested imposing the same PFAS limits in food packaging as those planned under the broader REACH restriction.

The presidency's proposal envisioned limiting the substance group in food packaging to:

- 25ppb for a single PFAS;
- 250ppb for a group of PFAS measured as a targeted sum; and
- 50ppm for all PFAS, including polymeric PFAS.

The limits would start 18 months after the PPWR enters into force.

It is not yet clear what the agreed-upon thresholds are or when the limits would apply, as Parliament and the Council have not yet published a consolidated PPWR text with the relevant amendments. The consolidated text will be ready by mid-March before a vote by the Parliament's environment committee (ENVI) expected on 19 March.

In its 4 March press release, the Council said that to avoid any overlap with other pieces of legislation, "the co-legislators tasked the Commission with assessing the need to amend that restriction within four years of the date of application of the regulation".

It follows the approval on 29 February by EU member states of a European Commission text proposing a REACH restriction on PFHxA in food packaging, clothing and other uses.

While the EU's revision of the food contact legislation may be delayed, regulatory action on the products continues. Last month, the Commission published its draft regulation proposing a restriction on the use of bisphenol A (BPA) and other bisphenols in FCMs.

Reception

NGO coalition Rethink Plastic welcomed the proposed prohibition and said a mandatory future report on the presence of substances of concern in packaging "will bring more clarity about the extent to which they negatively affect circularity, as well as chemical safety and impact on human and environmental health".

Parliamentary rapporteur Frédérique Ries from the Renew group said the ban on forever chemicals in food packaging "is a great victory for the health of European consumers".

FURTHER INFORMATION

[Parliament press release](#)

[Council press release](#)

[NGO release](#)



Mexico updates list of toxic substances, increases customs regulations

Changes add HFCs, derivatives of PFOA, PFOS

05 April 2024

Changes add HFCs, derivatives of PFOA, PFOS

The Mexican government has issued new requirements for importing and exporting substances regulated by the Intersecretarial Commission for the Control of the Process and Use of Pesticides, Fertilisers and Toxic Substances (CICOPLAFEST).

Published on 14 March in the Official Journal of the Federation, the measure adds the Federal Attorney for Environmental Protection (PROFEPA) to the list of agencies in charge of issuing import and export permits for the substances regulated by CICOPLAFEST.

The change creates an extra layer of enforcement at the points of entry and exit from the country because PROFEPA will need to issue a verification record of the substances, which may increase costs and waiting times.

However, “for Mexico, it may mean a better control of regulated substances”, said Melissa Owen, founder of legal practice AMBIENTELEGAL.


New substances

CICOPLAFEST also added 33 new substances to the list of items requiring permits for import or export.

Mainly, the new substances include a variety of hydrofluorocarbons (HFCs) that fall under the Montreal Protocol’s Kigali Amendment, as well as a variety of derivatives of perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA).

The changes could affect refrigeration, photographic and semiconductor industries that use these substances. Manufacturers of electronics, textiles and non-stick cookware who rely on fluoropolymers may be impacted too.

The changes take effect on 14 April.



Minnesota clarifies scope of goods facing PFAS bans next year, including packaging

Prohibitions encompass electronic components in upholstered furniture, textile floor coverings

27 March 2024

Minnesota’s upcoming restrictions on intentionally added PFAS in several product categories will extend to packaging and various novel articles, state regulators have indicated.

While state law aims to fully phase out non-essential PFAS applications by 2032, sales bans begin for 11 uses on 1 January next year.

The initial restrictions will incorporate packaging holding prohibited goods and certain PFAS-containing items that have not yet seen much US regulatory action. Affected articles include electronic parts in upholstered furniture, vehicle floor coverings, artificial turf, cleaners, nonstick cookware, dental floss and tape, and feminine hygiene supplies.

The Minnesota Pollution Control Agency (MPCA) defined the 11 product categories as follows:

- upholstered furniture, including electronic components – such as those in massage chairs – and all other parts;
- carpets or rugs, meaning any fabric floor covering, such as synthetic turf, outdoor rugs, car mats and recreational vehicle carpeting;
- domestic, commercial and institutional cleaners, including floor waxes and other finishes as well as automotive maintenance supplies;
- cookware with a PFAS-containing nonstick coating, specifically pots, pans, bowls, trays, grills, bakeware and utensils, as well as their electric versions;

- dental floss and tape;
- items worn to collect menstrual flow, like pads, tampons, cups and period underwear;
- textile furnishings;
- non-electronic juvenile products for children under 12 years;
- ski wax;
- cosmetics; and
- fabric treatments.

The legislation “makes no exceptions for products in these categories, nor does it provide extensions to the timeline if no PFAS alternatives are available”, the agency said. But it noted that PFAS-free options “are already widely available”.

Avonna Starck, Minnesota state director of environmental group Clean Water Action, told Chemical Watch News & Insight the agency’s “strong approach to implementation shows that Minnesota takes the PFAS crisis seriously”.

However, according to the American Chemistry Council (ACC), “it appears that MPCA is arbitrarily changing definitions that are in statute without stakeholder input.”

Packaging

In addition to the 11 listed articles, the MPCA said “packaging which is integral to contain, protect or dispense the product is considered a product component and is included in the 2025 prohibition”. But packaging “used to display, market, handle, store or deliver the product is not considered a product component”, it said.

For instance, the agency said, lip balm and the tube bearing it together constitute a cosmetic subject to the ban. However, the plastic mold fixed to the cardboard used to handle and present the item would not qualify as a product part, it said.

Gretchen Salter, strategic adviser for NGO Safer States, said: “The packaging provisions are the broadest in the country.”

According to Starck, “the fact that the MPCA recognises that packaging is a part of a product is fantastic.”

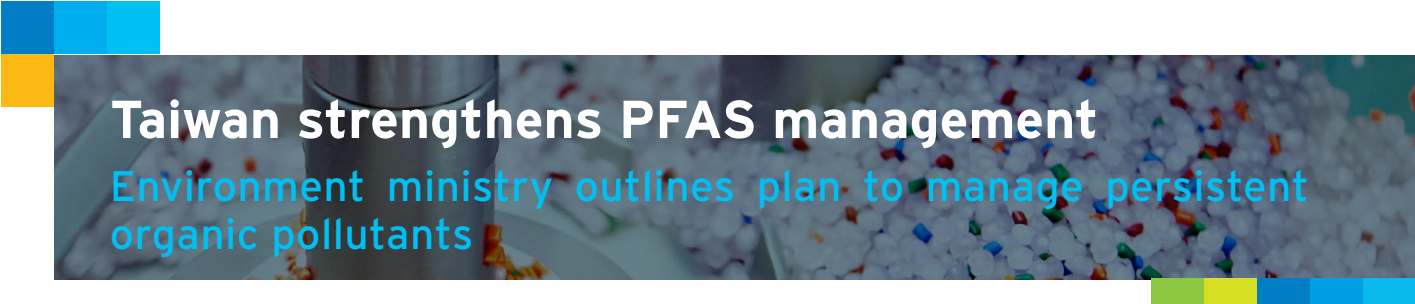
Greater effort

The details of the 2025 restrictions come as the MPCA develops three rules to implement the 2032 non-essential PFAS phase-out.

Two proposed rules for blanket PFAS reporting and related fees are expected this year or next. A third rule will offer criteria for ‘currently unavoidable uses’ (CUUs) exempt from the sweeping PFAS ban. The agency – which was recently flooded with industry requests for large CUU carveouts – plans to float this by 2026.

The MPCA added that it may initiate further rulemaking starting next year to restrict more PFAS-containing goods likely to damage Minnesota’s environment.

The state has already adopted prohibitions on the compounds in firefighting foam and food packaging.



03 January 2024

Taiwan’s Ministry of Environment (MoE) has formulated a plan to manage persistent organic pollutants (POPs) under the Stockholm Convention, including PFAS such as perfluorooctane sulfonic acid (PFOS), perfluorooctanoic acid (PFOA) and perfluorohexane sulfonic acid (PFHxS).

The MoE will work with ten other ministries and committees to implement five main objectives:

- managing the source of pollution;
- controlling the pollutants’ spread;
- integrating international regulations;
- controlling industrial use of the substances; and
- communicating risks.

Each ministry will conduct rolling reviews and revisions of relevant regulations. Sampling and testing methods will also be developed in order to monitor and understand the presence of per- and polyfluoroalkyl substances in the environment, products and food, the MoE said.

In addition, the MoE will encourage industry to voluntarily reduce its use of PFAS or use substitutes and strengthen its communication with various stakeholders, including educating the general public so as to protect human health.

The MoE outlined its plans during a workshop on PFAS held in Taiwan’s Chiitai University Convention Centre on 20 December.

The ministry added that during 2023, its chemicals department held four inter-ministerial meetings and three expert consultations on managing PFAS in response to international developments.

In December, Taiwan’s FDA announced it was seeking feedback on plans to add PFOS, PFOA and other substances to its list of prohibited cosmetics ingredients.



European Parliament backs safer chemical measures for toys

14 March 2024

Amendments would tackle PFAS, bisphenols, more substances of concern

Members of the European Parliament have approved several amendments to a Commission proposal that will bolster controls on harmful chemicals like PFAS and bisphenols in toys.

The vote sets in motion a process for the EU to adopt a new regulation on the products, with a final deal expected after parliamentary elections in June.

In a 13 March plenary session, MEPs finalised their position on proposed rules to revise the trade bloc's legislation on toy safety, with 603 votes in favour, five against and 15 abstentions.

Parliament approved an amendment to restrict all per- and polyfluoroalkyl substances (PFAS), bisphenols and fragrances in toys intended for children under 36 months, and pushed through tighter measures on other chemicals.

The Commission's 2023 [proposal](#) would expand on the current toy safety directive's generic ban on harmful substances to cover more hazard classes, including:

- carcinogenic, mutagenic or reprotoxic (CMR) chemicals in category 1A, 1B or 2;
- endocrine disrupting substances in category 1 or 2;
- chemicals with specific target organ toxicity in category 1, in single or repeated exposure; and
- respiratory sensitisers in category 1.

[Read the full story](#) ►



US appeals court cancels Inhance TSCA PFAS orders

25 March 2024

EPA exceeded its SNUR authority in regulating preexisting use, Fifth Circuit decides

A US federal appeals court has thrown out TSCA orders that would have forced Inhance Technologies to shut down its decades-old fluorination process, concluding that the EPA exceeded its statutory authority under the nation's chemicals law.

The decision in the high-stakes lawsuit represents a major victory for the Texas-based company and the thousands of businesses that rely on the plastic containers it treats with a fluorinated barrier. The ruling may also have broader implications for the agency's ability to regulate existing chemicals with a TSCA significant new use rule (SNUR).

The 21 March decision from the US Court of Appeals for the Fifth Circuit follows a years-long battle over whether Inhance's inadvertent generation of long-chain PFAS during its fluorination process violates a 2020 SNUR.

Throughout the legal proceedings, Inhance maintained that the EPA cannot use a SNUR – which sits under TSCA section 5 new chemicals provisions – to regulate an ongoing use of an existing substance.

The EPA, however, said the law places the onus on industry, not on the agency, to identify uses that should be carved out from a SNUR during the rulemaking process.

[Read the full story](#) ►

Chemical Watch News & Insight Podcast.

Hear more on this TSCA ruling as North America managing editor Kelly Franklin and senior editor Terry Hyland discuss the implications.

[Listen here](#) ►





New Zealand bans PFAS in cosmetics from end of 2026

Ingredients lists, nanomaterial recordkeeping and scope also updated

01 February 2024

New Zealand has announced it will ban the import or manufacture of cosmetic products containing PFAS from 31 December 2026.

On 30 January, the EPA published finalised updates to the Cosmetics Products Group Standard, pushing back the originally [proposed](#) phase-out deadline by one year.

“Banning these chemicals in cosmetics is part of our ongoing response, which includes phasing out all PFAS firefighting foams and testing for background levels of PFAS in the New Zealand environment,” said Shaun Presow, hazardous substances reassessments manager with the EPA.

In addition to prohibiting per- and polyfluoroalkyl substances, the EPA updated its cosmetic ingredients lists to align with the EU Cosmetic Products Regulation ((EC) No 1223/2009) and increased recordkeeping requirements for nanomaterials.

“We’ve also strengthened the regulations so non-hazardous cosmetic products that contain a hazardous ingredient are now regulated,” said Dr Presow. “This makes it easier for us to enforce the rules around banned and restricted ingredients that may be found in these products.”

Companies importing and manufacturing cosmetics in New Zealand will need to comply with most of these changes – including the updated ingredient list and requirements for products containing a hazardous ingredient – from 31 December 2025. Any existing stock can be sold until 31 December 2026 and non-compliant products must be disposed of by 30 June 2027.

[Read the full story ▶](#)



Disney targets phase-out of PFAS, phthalates from consumer products

Company also aims to remove PVC from packaging, bisphenols from children's products

22 March 2024

The Walt Disney Company has laid out a timeline for phasing down PFAS, phthalates and other priority substances from its products and eliminating intentionally added PVC from its packaging.

The entertainment company included the pledges in its recently released 2023 Sustainability & Social Impact Report, unveiling a priority chemicals list (PCL) of substances it wants to reduce from Disney-branded products developed and sourced by the company.

Disney included a timeline for action, outlining plans to reduce the following substances from different products by the end of 2026:

- phthalates – eliminate all but de minimis amounts of ten different phthalates from the accessible parts of consumer products;
- flame retardants – eliminate intentionally added amounts of 18 different flame retardants from toys, textiles, furniture and accessible parts of electronics;
- bisphenols – allow only minimal amounts of BPA, BPS, BPF or BPAF in most children’s products, toys, childcare articles, apparel and receipt paper; and
- polyvinyl chloride (PVC) – eliminate intentionally added PVCs in folding cartons, blister packs, clamshells and protective overwrap bags, and permit less than 1% total weight of PVC in packaging ties, tabs and fasteners.

[Read the full story ▶](#)

PFAS restrictions at US state level

Learn more about restrictions in Maine, Minnesota and Washington, and those yet to enter into force.

Click to play video ►



This video was recorded on 07 February 2024 as part of the 2024 Global Outlook webinar series.

PFAS key dates in 2024 and beyond.

Use this infographic for a view of some key dates affecting the use of PFASs in products such as cookware, personal care and firefighting foams.



2024

1 January

Colorado, Connecticut, Maryland, Minnesota and Rhode Island: PFAS-containing food packaging bans start

January

California: State to prohibit textile articles that contain regulated PFASs

2025

California

State expands existing law to prohibit intentionally added PFASs in cosmetic product



Colorado

State requires manufacturers of impacted products to provide written notification due 30 days before 1 January 2025 for existing products

Illinois

State to ban class B firefighting foam containing intentionally added PFASs and requires manufacturers of these products to register with the state EPA



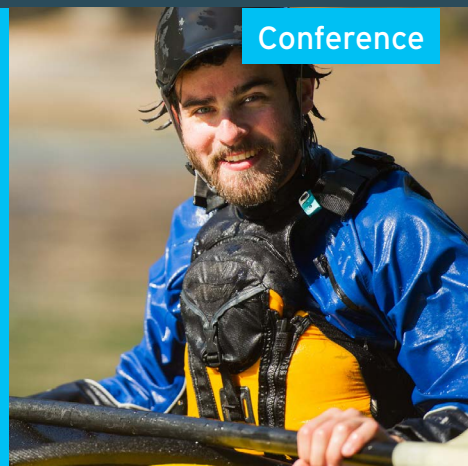
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13 June 2024 | Virtual

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Conference

PFAS Updates North America 2024

18 September 2024 | Alexandria + Virtual, USA

Hear leading experts explain the latest developments to PFAS regulation in North America, and the implications for your business.



Conference

PFAS Updates Europe 2024

16 October 2024 | Brussels, Belgium + Virtual

Take a deep dive into the latest regulatory and legal developments for PFAS in Europe and their compliance and enforcement implications.



Conference



Act today and prepare for tomorrow to create a more sustainable future with 360° intelligence for your operations, products, and chemicals management across the globe.



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