

Draft
05/02/23
PFAS PREVENTION MODEL ACT

Prepared by the Northeast Waste Management Officials' Association (NEWMOA)

Introduction

In September 2022, the Northeast Waste Management Officials' Association (NEWMOA) Board of Directors approved an initiative for the Association to prepare model legislation for advancing reduction of the use of polyfluoroalkyl substances, commonly called PFAS. The intent of this document is to help address NEWMOA's overarching goal of the "virtual elimination of the environmental releases of PFAS into the environment." Therefore, NEWMOA intentionally designed this draft model legislation as a comprehensive package of provisions.

A committee made up of jurisdiction agency representatives and facilitated by NEWMOA drafted this model legislation. The Draft Model Legislation does not necessarily represent the views of individual Workgroup members or the Agencies they represent, nor is NEWMOA taking an official position regarding the legislation.

The goals of this initiative are to:

- Reduce/eliminate the use of PFAS in consumer products to the extent feasible.
- Identify and implement source reduction programs.
- Ensure that the substitutes for PFAS in products are safer and that there are no regrettable substitutes.
- Coordinate product disclosure, labeling, bans, phase-outs, source reduction, and end-of-life collection on a multi-jurisdiction basis.
- Help consumers identify products containing PFAS and learn how to properly handle them.
- Provide regulated entities with regulatory certainty.

The overarching principles that inform this model aim to:

- Aspire to a marketplace of PFAS-free products made from safe and healthy chemical ingredients.
- Eliminate non-essential uses of PFAS and promote safer alternatives.
- Reinforce the fundamental right to know by all stakeholders about the PFAS chemicals in products.
- Disclose all intentionally added PFAS ingredients, including PFAS that may be added to products through manufacturing, processing, or storage (note: disclosure is the sharing of chemical ingredient information with the public and across supply chains and is critical to promoting the use of safer chemicals and products).
- Make accurate PFAS ingredient information easily accessible to consumers, government agencies, manufacturers, brands, retailers, and others in the supply chain.

As part of the regional effort to implement these recommendations, NEWMOA has drafted this discussion document in the form of model legislation (see below).

As a synthesis of numerous complementary approaches, the model provides a comprehensive framework to help jurisdictions develop more consistent approaches to addressing PFAS and PFAS-containing products. Similar regional approaches have been proven successful in other areas, particularly the jurisdiction's experience with toxics in packaging legislation passed starting in the early 1990s, mercury in production legislation passed starting in the early 2000s, and other bills related to high priority chemicals of concern passed throughout the 2000s. By sharing their experiences and expertise the jurisdiction agencies will avoid duplication of efforts and research, thereby saving time and money. Product manufacturers will also benefit from having more consistent requirements throughout the region and nationally.

This document presents a menu of policy options for state policy makers to consider. The draft model includes provisions and concepts that reflect current efforts to reduce PFAS use and minimize PFAS releases. The designers do not view the model as a set of provisions that must all be enacted together or at the same time. The model is designed to present a flexible set of concepts/options from which the jurisdiction policy makers can choose those that meet their jurisdictional priorities. However, it is important that jurisdictions implement their efforts as consistently as possible for each option implemented.

NEWMOA developed this document and included policy concepts for consideration by the jurisdictions in the Northeast. These concepts may also be useful as models for other jurisdictions and for efforts at the national level.

Most of the elements in the model have already been included in jurisdiction legislation and regulations addressing PFAS and/or other contaminants adopted or proposed in one or more jurisdictions. The following provides a guide to the jurisdictions that have proposed or passed legislation, as of March 2023, containing the noted sections of the draft bill (note sections 1-3 are common elements of such legislation, such as definitions):

- Section 4 **Interstate Clearinghouse:** Modeled after the [Toxics in Packaging Clearinghouse](#) (TPCH) enacted laws in 19 states, the [Interstate Mercury Education and Reduction Clearinghouse](#) (IMERC) and the [Interstate Chemicals Clearinghouse](#) (IC2).
- Section 5 **Notification:** Modeled after mercury reduction legislation enacted in CT, LA, ME, MA, NH, NY, RI, and VT and the ME DEP PFAS law.
- Section 6 **Restrictions on Sale of PFAS-added Products:** Modeled after the [Toxics in Packaging Clearinghouse](#) (TPCH) enacted or proposed and mercury reduction legislation product bans and phaseouts enacted by many states.
- Section 8 **Labeling of PFAS-added Products:** Modeled after mercury labeling legislation enacted in CT, LA, ME, MA, MN, NH, RI, and VT.
- Section 9 **Producer Responsibility for PFAS containing products:** Modeled after other Extended Producer Responsibility (EPR) laws.

Stakeholder Review

This Discussion Document was released to stakeholders via the web (www.newmoa.org) on May 2, 2023 for a 60-day comment period ending on July 1, 2023. NEWMOA held a national webinar to share a draft of the model legislation with representatives of various stakeholder groups, including manufacturers, trade associations, environmental organizations, local and state government agencies, solid waste management firms, community groups, and others on May 10, 2023.

DRAFT

1 **Section 1. An Act Concerning PFAS Reduction and Education**

2
3 **Section 2. The legislature finds and declares that:**

- 4
- 5 a. Perfluoroalkyl and polyfluoroalkyl substances, or PFAS, are a persistent and toxic class
6 of pollutants that bioaccumulate in the environment.
7
- 8 b. Contamination of soil and water in the jurisdiction from PFAS poses a significant threat
9 to the environment of the jurisdiction and to the health of its citizens.
10
- 11 c. Jurisdiction public health and environmental authorities in the Northeast and elsewhere
12 have established standards and advisories ranging from 5.1 ppt to 140,000 ppt for
13 targeted PFAS compounds in drinking water. The United States Environmental
14 Protection Agency has published interim health advisories for PFAS compounds ranging
15 from 0.004 ppt to 2000 ppt for targeted compounds in drinking water. Adverse health
16 effects associated with PFAS include kidney and liver damage, decreased immune system
17 function, interference with vaccine update, developmental and reproductive harm,
18 increased risk of asthma, increases in cholesterol levels, increased thyroid disorders and
19 other hormone disruption and increased incidences of testicular and kidney cancer for
20 those with high exposure.
21
- 22 d. The extent of PFAS contamination in the States is widespread and is requiring a
23 significant expenditure of resources to address.
24
- 25 e. PFAS have been and continue to be utilized in a broad range of products for their water
26 and stain resistant properties, including clothing and other textiles, packaging, food ware,
27 cleaning products, cosmetics and other personal care products, class B firefighting foam,
28 surface waxes, ski wax, and much more despite the growing body of evidence that these
29 materials may leach into food, water supplies, and even the human body through
30 prolonged exposures. PFAS from these sources can contaminate drinking water and the
31 environment in multiple ways, including through washing, disposal in landfills, and
32 incineration, in addition to impacts on workers and communities in manufacturing
33 locations and global circulation of these persistent chemicals.
34
- 35 f. To address the imminent threat of further contamination of soil and water in the
36 Jurisdiction, it is imperative to collect information regarding the use of PFAS in products
37 and to phase out the sale of certain products containing PFAS.
38
- 39 g. Exposure to products that contain PFAS compounds and associated environmental
40 releases poses a significant public health threat.
41
- 42 h. Because of this threat, all of the Northeastern and many outside of the region jurisdictions
43 have been conducting widespread monitoring of drinking water, landfill leachate,
44 wastewater, stormwater, surface water, groundwater, biosolids and other environmental

45 media for targeted PFAS compounds, and, if found at levels above regulatory standards
46 or acceptable risk levels, and are, taking steps to mitigate the risks by providing
47 alternative drinking water sources, installing treatment systems, and remediating
48 contamination. All of these measures are expensive and place a heavy burden on
49 municipal and state governments.

- 50
- 51 i. PFAS in consumer products are a major source of PFAS contamination in the Northeast
52 and elsewhere.
- 53
- 54 j. Removal of PFAS containing products from the waste stream prior to sale and use is an
55 effective way to reduce PFAS at waste management and other facilities.
- 56
- 57 k. Manufacturers of certain PFAS-added products have been successfully researching and
58 identifying safer alternatives and phasing in those uses and phasing out those that contain
59 PFAS.
- 60
- 61 l. A visible label on the product and/or its packaging increases effective consumer
62 education, encourages informed purchasing, and bolsters participation in programs
63 designed to separate, collect, and properly manage or recycle PFAS-added products.
- 64
- 65 m. Jurisdiction procurement of environmentally responsible products can improve the
66 markets for non-PFAS-added products.
- 67
- 68 n. The intent of this Act is to achieve significant reductions in environmental PFAS by
69 encouraging the establishment of effective state and local source reduction, recycling,
70 and management programs while continuing to spur economic development.
- 71
- 72 o. In the judgment of the Legislature, these facts create an emergency within the meaning of
73 the Constitution of [Jurisdiction] and require the following legislation as immediately
74 necessary for the preservation of the public peace, health, and safety.
- 75

76 **Section 3. Definitions (adapted from the mercury model legislation, Toxics in Packaging**
77 **Clearinghouse model legislation, and existing PFAS laws)**

78

79 **“Alternative” means:** a substitute process, product, material, chemical, strategy, or combination
80 of these that has been evaluated and serves a functionally equivalent purpose to a PFAS in a
81 product that has less risk to human health or the environment than use of PFAS in the product.

82

83 **“Chemical” means:** a substance with a distinct molecular composition or a group of structurally
84 related substances and includes the breakdown products of the substance or substances that form
85 through decomposition, degradation, or metabolism.

86 **“Credible scientific evidence” means:** the results of a study, the experimental design and
87 conduct of which have undergone independent scientific peer review, that are published in a
88 peer-reviewed journal or in a publication of an authoritative federal, state, or international

89 governmental agency, including but not limited to State Environmental and Public Health
90 Agencies; the United States Department of Health and Human Services; National Toxicology
91 Program; Food and Drug Administration and Centers for Disease Control and Prevention; the
92 United States Environmental Protection Agency; the World Health Organization; and the
93 European Union, European Chemicals Agency.

94
95 **“Currently unavoidable use” means:** a use of PFAS that the [Agency] has determined by rule
96 to be essential for health, safety, or the functioning of society for which alternatives are not
97 reasonably available.

98
99 **“Intentionally added PFAS” means:** the PFAS added to a product or one of its product
100 components, or PFAS or precursors added to a product during its manufacture, processing,
101 packaging, or storage. “Intentionally added PFAS” also includes any degradation by- products of
102 PFAS. The use of PFAS or precursors as a processing agent, mold release agent or any other
103 source of PFAS in the product that is reasonably known to be present is considered intentional
104 introduction for the purposes of this Act.

105
106 **“Manufacturer” means:** any person, firm, association, partnership, corporation, organization,
107 combination, or joint venture which produces a PFAS-added product, or an importer or domestic
108 distributor of a PFAS-added product produced in a foreign country. In the case of a multi-
109 component PFAS-added product, the manufacturer is the last manufacturer to produce or
110 assemble the product. If the multi-component product is produced in a foreign country, the
111 manufacturer is the importer or domestic distributor.

112
113 **“Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means:** all members of the class
114 of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

115
116 **“PFAS-added product” means:** (1) a product, commodity, chemical, or a product component
117 that was manufactured after the effective date of this act; and (2) that contains PFAS
118 intentionally added to the product, commodity, chemical, or product component. These products
119 include formulated PFAS-added products, packaging, and fabricated PFAS-added products.

120
121 **“Precursor” means:** a chemical involved in a reaction that produces a PFAS compound.

122
123 **“Product” means:** an item manufactured, assembled, packaged, or otherwise prepared for sale
124 to consumers, including its product components, sold, or distributed for personal, residential,
125 commercial, or industrial use, including for use in making other products.

126
127 **“Product component” means:** an identifiable component of a product, regardless of whether
128 the manufacturer of the product is the manufacturer of the component.

129
130 **“Retailer” means:** a person who sells a PFAS-added product in the Jurisdiction through any
131 means, including a sales outlet, a catalogue, the telephone, the Internet, or any electronic means.

132

133 **Section 4. Interjurisdiction Clearinghouse**

- 134
- 135 a. The [agency] is authorized to participate in the establishment and implementation of a
- 136 multi-jurisdiction clearinghouse to assist in carrying out the requirements of this Act and
- 137 to help coordinate collection and reviews of the manufacturers' notifications regarding
- 138 PFAS-added products, applications for phase-out exemptions, the collection system
- 139 plans, applications for alternative labeling/notification systems, education and outreach
- 140 activities, and any other related functions. The clearinghouse may also maintain a
- 141 database of all products containing PFAS, including PFAS-added products; a file on all
- 142 exemptions granted by the participating jurisdictions; a file on alternative labeling plans;
- 143 and a file of all the manufacturers reports on the effectiveness of their collection systems.
- 144
- 145 b. Public disclosure of confidential business information submitted to the [agency] pursuant
- 146 to this section shall be governed by the requirements of the [jurisdiction's freedom of
- 147 information act]. Notwithstanding the requirements of the [jurisdiction's freedom of
- 148 information act] the jurisdiction may provide the interjurisdiction clearinghouse with
- 149 copies of such information and the [agency] interjurisdiction clearinghouse may compile
- 150 or publish analyses or summaries of such information provided that the analyses or
- 151 summaries do not identify any manufacturer or reveal any confidential information.
- 152

153 **Section 5. Notification**

154

155 A manufacturer of a product for sale in the [Jurisdiction] that contains intentionally added PFAS

156 shall comply with the requirements of this subsection.

157

- 158 a. After two years from the effective date of this Act no PFAS-added product shall be offered
- 159 for final sale, use, or distribution for promotional purposes in [Jurisdiction] without prior
- 160 notification in writing by the manufacturer of the product to the [agency] in accordance with
- 161 the requirements of this section. Such notification shall at a minimum include:
- 162
- 163 i. A brief description of the product to be offered for sale, used, or distributed.
- 164
- 165 ii. The purpose for which PFAS are used in the products or packaging, including any
- 166 product or packaging components.
- 167
- 168 iii. The amount of each of the PFAS or subgroups as defined by the regulatory
- 169 agency, identified by name and all relevant chemical abstract service (CAS)
- 170 registry numbers, in the product or packaging, reported as an exact quantity
- 171 determined using available analytical methods or as falling within a range
- 172 approved for reporting purposes by the [agency] in each unit of the product or
- 173 packaging.
- 174

- 175 iv. The total amount of intentionally added PFAS contained in all products
176 manufactured by the manufacturer and distributed in a year; reported every three
177 years.
178
- 179 v. The name and address of the manufacturer, and the name, address, and phone
180 number of a contact person for the manufacturer.
181
- 182 vi. Any additional information established by the [agency] by rule as necessary to
183 implement the requirements of this section.
184
- 185 vii. With the approval of the [agency], a manufacturer may supply the information
186 required in paragraph (a) for a category or type of product rather than for each
187 individual product.
188
- 189 b. The manufacturer shall update and revise the information in the notification whenever
190 there is a change in the information, when requested to do so by the [agency], or every
191 three years. The [agency] may define and adopt specific requirements in accordance with
192 [jurisdiction administrative and public participation requirements] for the content and
193 submission of the required notification.
194
- 195 c. A person may not sell, offer for sale, or distribute for sale in the [Jurisdiction] a product
196 containing intentionally added PFAS if the manufacturer has failed to provide the
197 information required in this subsection.
198

199 **Section 6. Restrictions on the Sale of Certain PFAS-added Products**
200

- 201 a. Product ban. Within three years of the adoption of this Act, no product with PFAS-added (in
202 any amount) shall be offered for final sale or use or distributed for promotional purposes in
203 [jurisdiction] unless the [agency] has determined the addition of PFAS to be a currently
204 unavoidable use of PFAS pursuant to subsection (c) of this section.
205
- 206 b. Inventory take back. A manufacturer subject to the restrictions contained in subsection (a) of
207 this section shall notify retailers of this restriction and of the takeback program contained in
208 Section 9.
209
- 210 c. Currently unavoidable use of PFAS. Manufacturers may apply for a waiver for up to five
211 years to the product ban if they meet each of the following criteria. To claim exemption
212 under this section the manufacturer must notify the [agency], in writing, of the credible
213 scientific evidence addressing all elements I.-VI. below, justifying the currently unavoidable
214 use and provide the legal justification for the claim. The [agency] shall make a decision
215 considering the following criteria:
- 216 i. Whether the product is determined to be beneficial to the environment or
217 protective of public health or protective of public safety, the recycling of PFAS-
218 added products may be determined to be an activity that is beneficial to the

- 219 environment, and
220
221 ii. There is no technically feasible alternative that has less risk to human health or
222 the environment to use of PFAS in the product, and
223
224 iii. There is no comparable non-PFAS-added product available at a reasonable cost,
225 and
226
227 iv. The manufacturer is participating in a collection program for the products as
228 required by Section 9, and
229
230 v. The product will be labeled in accordance with Section 8, and
231
232 vi. The manufacturer will continue to notify on products in accordance with Section
233
234 d. Renewal of currently unavoidable use determination. A manufacturer may apply for a
235 renewal of a determination that the product constitutes a currently unavoidable use of PFAS in
236 the same manner as an original application. Renewals shall not be for more than two years.
237
238 e. Federal preemption. Any PFAS-added product for which federal law governs notice in a
239 manner that preempts jurisdiction authority shall be exempt from the requirements of this
240 section. The manufacturer shall notify the [agency] that the product ban is preempted. If the
241 [agency] agrees with the manufacturer's assessment, the [agency] may exempt the product under
242 this section. A product exempt under this section shall still be required to comply with the
243 notification requirement under Section 5 and the labelling requirement of Section 8.
244

245 **Section 7. Certificate of Compliance.**

- 246
247 a. Upon request by the [agency], a Certificate of Compliance, or copies thereof, stating that
248 the product is in compliance with the requirements of this Act shall be furnished by its
249 manufacturer or supplier to the [agency].
250
251 b. Where compliance is achieved under any jurisdiction exemption(s) provided in Section 6,
252 the Certificate of Compliance shall state the specific basis upon which the exemption is
253 claimed.
254
255 c. The Certificate of Compliance shall be signed by an authorized official of the
256 manufacturing or supplying company. The purchaser shall retain the Certificate of
257 Compliance for as long as the product is in use. A copy of the Certificate of Compliance
258 shall be kept on file by the manufacturer or supplier of the product. A manufacturer or
259 supplier may make the Certificate of Compliance available on their company website or
260 through an authorized representative of the company such as an interjurisdiction
261 clearinghouse.
262

- 263 d. If the manufacturer or supplier of the product reformulates or creates a new product, the
264 manufacturer or supplier shall provide an amended or new Certificate of Compliance for
265 the reformulated or new product component to the [agency].
266
- 267 e. If there are grounds to suspect that a product is being offered for sale in violation of this
268 chapter, the [agency] may request that the manufacturer or distributor of the product
269 provide a certificate of compliance with the applicable provisions of this chapter.
270
- 271 f. Within 30 days of receipt of a request under this subsection, the manufacturer or
272 distributor shall:
- 273
- 274 i. Provide the [jurisdiction administrative agency] with the certificate attesting that
275 the product does not contain a chemical regulated under this act; or
276
- 277 ii. Notify persons who sell the product in this Jurisdiction that the sale of the product
278 is prohibited and provide the [jurisdiction] with a copy of the notice and a list of
279 the names and addresses of those notified.
280

281 **Section 8. Labeling of PFAS-Added Products**

282

- 283 a. No product that has been determined to have a currently unavoidable use of PFAS may
284 be offered for final sale, used, or used in promotional materials in the [jurisdiction] unless
285 that product is labeled in accordance with this section.
286
- 287 b. Where a PFAS-added product is a component of another product, the product containing
288 the component and the component must both be labeled. The label on a product
289 containing a PFAS-added component shall identify the component with sufficient detail
290 so that it may be readily located for removal.
291
- 292 c. All labels must be clearly visible prior to sale and must inform the purchaser, using words
293 or symbols approved by the [agency], that PFAS is present in the product and that the
294 product should be recycled in accordance with the producer responsibility program
295 established in Section 9.
296
- 297 d. Labels affixed to the product shall be constructed of materials that are sufficiently
298 durable to remain legible for the useful life of the product.
299
- 300 e. Responsibility for product and package labels required under this section shall be on the
301 manufacturer, and not on the wholesaler or retailer unless the wholesaler or retailer
302 agrees with the manufacturer to accept responsibility in conjunction with implementation
303 of an alternative to the labeling requirements of this section approved under subsection
304 “f.” In the case of a multi-component product the responsible manufacturer is the last
305 manufacturer to produce or assemble the product or, if the multi-component product is

306 produced in a foreign country, the responsible manufacturer is the importer or domestic
307 distributor.

308
309 f. Alternative Methods of Public Notification

310
311 i. A manufacturer may apply to the [agency] for an alternative to the requirements
312 of this section where: strict compliance with the requirements is not feasible; or
313 the proposed alternative would be at least as effective in providing pre-sale
314 notification of PFAS content and in providing instructions on proper disposal; or
315 federal law governs labeling in a manner that preempts jurisdiction authority.

316
317 ii. Applications for an alternative to the requirements of this section must: (1)
318 document the justification for the requested alternative; (2) describe how the
319 alternative ensures that purchasers or recipients of PFAS-added products are made
320 aware of PFAS content prior to purchase or receipt; (3) describe how a person
321 discarding the product will be made aware of the product stewardship program
322 administered pursuant to Section 9; (4) document the readiness of all necessary
323 parties to implement the proposed alternative; and (5) describe the performance
324 measures to be utilized by the manufacturer to demonstrate that the alternative is
325 providing effective pre-sale notification and pre-disposal notification.

326
327 iii. The [agency] may grant, deny, modify, or condition a request for an alternative to
328 the requirements of this section. Prior to approving an alternative, the [agency]
329 shall consult with neighboring jurisdictions and others to ensure that its labeling
330 requirements are consistent with those of other governments in the region. Such a
331 waiver shall be for a period of no more than three years and may, upon continued
332 eligibility under the criteria of this section and compliance with the conditions of
333 its prior approval, be renewed at three-year intervals.

334
335 **Section 9. PFAS containing products; producer responsibility.**

336
337 a. Within three years of the adoption of this Act, no product that has been determined to
338 have a currently unavoidable use of PFAS shall be offered for final sale or use or
339 distribution for promotional purposes in [jurisdiction] unless the manufacturer either on
340 its own or in concert with other persons has submitted a plan for a convenient and
341 accessible collection system for such products when the consumer is finished with them
342 and such a plan has received approval of the [agency]. Where a PFAS-added product is a
343 component of another product, the collection system must provide for removal and
344 collection of the PFAS-added component or collection of both the PFAS-added
345 component and the product containing it.

346
347 b. The collection system plan shall include the following elements:

348 i. A public education program to inform the public about the purpose of the
349 collection program and how to participate in it.

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- ii. A targeted capture rate for the PFAS-added products or components.
 - iii. A plan for implementing and financing the collection system.
 - iv. Documentation of the willingness of all necessary parties to implement the proposed collection system.
 - v. A description of the performance measures to be utilized and reported by the manufacturer to demonstrate that the collection system is meeting capture rate targets and other measures of program effectiveness as required by the [agency].
 - vi. A description of additional or alternative actions that will be implemented to improve the collection system and its operation in the event that the program targets are not met.
- c. A comprehensive public education, outreach, and assistance program for households, hazardous waste generators, local and regional solid waste management agencies, small businesses, health care facilities, scrap metal facilities, dismantlers, institutions, schools, and other interested groups in concert with other relevant jurisdiction agencies. This public education, outreach, and assistance program should focus on the hazards of PFAS; the requirements and obligations of individuals, manufacturers, and agencies under this law; and voluntary efforts that individuals, institutions, and businesses can undertake to help further reduce PFAS in the environment. The [agency] shall cooperate with manufacturers of PFAS-added products and other affected businesses in the development and implementation of public education and technical assistance programs.
- d. In developing a collection system plan, manufacturers are encouraged to utilize or expand on existing collection and recycling infrastructure where feasible and cost-effective. If the manufacturer has elected not to utilize existing local collection and recycling infrastructure, the manufacturer shall include in its collection system plan the reasons for its decision to establish a separate collection system.
- e. Within a year of the jurisdiction approval of the collection system plan, the manufacturer or entity that submitted the plan on behalf of the manufacturer shall ensure that a convenient and accessible recovery system for the users of those products is in full operation.
- f. Two years following the implementation of the collection system plan required under this section and biennially thereafter, the manufacturer or entity that submitted the plan on behalf of the manufacturer shall be required to submit a report on the effectiveness of the collection system. The report shall include an estimate of the amount of PFAS that was diverted, the capture rate for the PFAS-added products or components, the results of the other performance measures included in the manufacturers collection system plan, and

394 such other information as the [agency] may require. Such reports shall be made available
395 to the public by the [agency].
396

- 397 g. The cost for the collection system must be borne by the manufacturer or manufacturers of
398 PFAS-added products. No person may charge a consumer a direct point-of-sale or direct
399 point-of-collection fee to recoup the costs associated with meeting the obligations under
400 this title.
401
- 402 h. Manufacturers must specify the ultimate fate of the collected materials and document that
403 environmental releases of PFAS have been prevented.
404
- 405 i. The [agency] shall review the regulatory framework governing handling of waste from
406 PFAS-added products and may revise, if necessary, its rules as appropriate to facilitate
407 collection.
408
- 409 j. PFAS-added formulated products intended to be totally consumed in use, such as
410 cosmetics, pharmaceuticals, and other laboratory chemicals, shall be exempt from the
411 requirements of this section.
412

413 **Section 10. Jurisdiction Procurement Preferences for Non-PFAS-Added Products** 414

- 415 a. Notwithstanding other policies and guidelines for the procurement of equipment,
416 supplies, and other products, the [jurisdiction procurement administrator] shall, within 3
417 years of the effective date of this section, revise its policies, rules, and procedures to
418 implement the purposes of this Act.
419
- 420 b. The [jurisdiction procurement administrator] shall give priority and preference to the
421 purchase of equipment, supplies, and other products that contain no PFAS-added
422 compounds or components, unless there is no economically feasible non-PFAS-added
423 alternative that performs a similar function. In circumstances where a non-PFAS-added
424 product is not available, preference shall be given to the purchase of products that contain
425 the least amount of PFAS-added to the product necessary for the required performance.
426
- 427 i. The [jurisdiction procurement administrator] is authorized to give a price
428 preference of up to ____ percent for products that contain no PFAS or less PFAS.
429
- 430 ii. This priority and preference shall apply to all jurisdiction purchases, as well as
431 any purchases made by others with jurisdiction funds.
432
- 433 iii. The procurement agent shall specify non-PFAS or reduced PFAS-added products,
434 as applicable, in procurement bid documents.
435
436

437 **Section 11. Rulemaking**

438
439 [Each jurisdiction to add its own Rulemaking Provisions.]
440

441 **Section 12. Enforcement & Penalties**

442
443 A violation of any of the provisions of this law or any rule or regulation promulgated pursuant
444 thereto shall be punishable in the case of a first violation, by a civil penalty not to exceed _____
445 dollars. In the case of a second and any further violation, the liability shall be for a civil penalty
446 not to exceed _____ dollars for each violation.

447
448 [Each jurisdiction may add additional enforcement provisions.]
449

450 **Section 13. Public Notification and Review**

451
452 [Each jurisdiction to add its own Public Notification and Review Provisions.]
453

454 **Section 14. Jurisdiction Review**

455
456 The [agency] shall review the effectiveness of this Act in consultation with the Interjurisdiction
457 Clearinghouse no later than 4 years after its adoption and shall provide a report based upon that
458 review to the Governor and the legislature. The report shall review the effectiveness of the
459 programs required under the Act and may contain recommendations for improving them. As part
460 of this review, the jurisdiction [responsible administrative agency] shall evaluate the
461 effectiveness of the collection systems established under this Act and determine whether
462 additional jurisdiction authority or targeted capture rates are needed to improve those systems. In
463 addition, through this review process, the [responsible administrative agency] shall evaluate the
464 need for additional incentives for manufacturers of PFAS-added products that are not banned or
465 phased-out under this law. The [agency] shall update and publish the report four and eight years
466 after the effective date of this Act.

467
468 **Section 15. Severability Clause**

469
470 [Each jurisdiction to add its own severability clause.]
471

472 **Section 16. Effective Date**

473
474 This Act shall become effective immediately upon adoption.
475

476 **Section 17. Administrative Fees and Regulations**

477
478 The [responsible administrative agency] may impose fees sufficient to cover the costs of
479 administering the provisions of this Act, including participation in a multi-jurisdiction
480 clearinghouse to assist in carrying out the requirements of this Act and to help coordinate

481 collection and reviews of the manufacturers' notifications regarding PFAS-added products,
482 applications for phase-out exemptions, the collection system plans, applications for alternative
483 labeling/notification systems, education and outreach activities, and any other related functions
484 as described in Section 4 of this Act. The [responsible administrative agency] may adopt
485 regulations to implement the provisions of this Act consistent with the policies and purposes of
486 this Act.

487

488 **Section 18. Appropriations**

489

490 [Each jurisdiction to add its own appropriations provisions.]

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