

[Third Reprint]

SENATE, No. 1042

STATE OF NEW JERSEY

221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Assemblywoman SHAMA A. HAIDER

District 37 (Bergen)

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District 38 (Bergen)

Assemblywoman ALIXON COLLAZOS-GILL

District 27 (Essex and Passaic)

Co-Sponsored by:

Senators Diegnan, Singleton, Turner, Assemblyman Verrelli, Assemblywoman Speight, Assemblyman Calabrese, Assemblywomen Ramirez, Park, Reynolds-Jackson, Assemblymen Schaer, Stanley and Freiman

SYNOPSIS

“Protecting Against Forever Chemicals Act”; establishes requirements, prohibitions, and programs for regulation of perfluoroalkyl and polyfluoroalkyl substances (PFAS).

CURRENT VERSION OF TEXT

As amended by the Senate on December 18, 2025.

(Sponsorship Updated As Of: 12/22/2025)

1 AN ACT concerning perfluoroalkyl and polyfluoroalkyl substances,
2 supplementing Title 13 ³and Title 56³ of the Revised Statutes,
3 and making an appropriation.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. This act shall be known and may be cited as the “Protecting
9 Against Forever Chemicals Act.”
10

11 2. The Legislature finds and declares: that perfluoroalkyl and
12 polyfluoroalkyl substances, or PFAS, are man-made chemical
13 compounds that have multiple fluorine atoms bonded to a chain of
14 carbon atoms; that there are several thousand different types of
15 PFAS, and new types are invented on a nearly daily basis; that since
16 the 1930s, PFAS have been widely used in countless consumer
17 products because they repel oil, water, and grease; and that PFAS
18 continue to be used across a variety of industries for a variety of
19 purposes and are ultimately contained in many of the products sold
20 in the State.

21 The Legislature further finds and declares: that the carbon-
22 fluorine bond used to make PFAS is one of the strongest chemical
23 bonds and does not break down under typical environmental
24 conditions; that PFAS are nicknamed “forever chemicals” because
25 they accumulate in the environment, rather than break down, over
26 time; that PFAS enters the environment through manufacturing
27 processes and waste streams, and humans are exposed through
28 contaminated food, dust, air, drinking water, and certain consumer
29 products; that human exposure to these chemicals has been linked to
30 endocrine disruption, cancer, immuno-toxicity, and developmental
31 impacts; and that PFAS have been detected in the blood serum of 98
32 percent of humans tested.

33 The Legislature further finds and declares: that contamination of
34 air, soil, and water in the State from PFAS poses a significant threat
35 to the environment of the State and to the health of its citizens; that
36 the full extent of PFAS contamination in the State is not presently
37 known, but is anticipated to be widespread and to require a
38 significant expenditure of resources to identify and remediate; and
39 that, to address the imminent threat of further contamination of air,
40 soil, and water in the State and protect the public health of citizens
41 in the State, it is imperative to conduct PFAS-related research
42 within the State and to phase out the sale of certain nonessential
43 products containing PFAS.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted December 1, 2025.

²Senate SBA committee amendments adopted December 8, 2025.

³Senate floor amendments adopted December 18, 2025.

1 The Legislature therefore determines that it is in the best interest
2 of the residents of New Jersey for PFAS to be prohibited from
3 being intentionally added to certain products being manufactured
4 and sold within the State, for manufacturers of cookware products
5 containing PFAS to notify consumers about the presence of PFAS
6 in their products, and for educational programming and research
7 concerning PFAS to be available to residents in the State.

8
9 3. As used in ³sections 1 through 11 of³ this act:

10 “Carpet” means a rug or fabric marketed or intended for use as a
11 floor covering.

12 ³“Commissioner” means the Commissioner of Environmental
13 Protection.³

14 “Cookware” means durable houseware items that are used ²in
15 homes and restaurants² to prepare, dispense, or store food, foodstuffs,
16 or beverages². “Cookware” includes, but is not limited to,¹ that are
17 intended for direct food contact, and that are items to which heat is
18 transferred or which come into direct contact with a heat source,
19 including² pots, pans, skillets, grills, baking sheets, baking molds,
20 trays, bowls, and cooking utensils. ²“Cookware” does not include
21 products that are intended for commercial use only.²

22 “Cosmetic” means (1) articles intended to be rubbed, poured,
23 sprinkled, or sprayed on, introduced into, or otherwise applied to the
24 human body or any part thereof for cleansing, beautifying, promoting
25 attractiveness, or altering the appearance, and (2) articles intended for
26 use as a component of any such articles; except that such term shall
27 not include soap.

28 ³“Department” means the Department of Environmental
29 Protection.¹

30 “Division” means the Division of Consumer Affairs in the
31 Department of Law and Public Safety.³

32 “Fabric treatment” means a substance applied to fabric to give the
33 fabric one or more characteristics, including, but not limited to, stain
34 resistance or water resistance.

35 “Food packaging” means a nondurable package, packaging
36 component, or food service ware that is intended to contain, serve,
37 store, handle, protect, or market food, foodstuffs, or beverages, and is
38 composed, in substantial part, of paper, paperboard, or other materials
39 originally derived from plant fibers. “Food packaging” includes food
40 or beverage containers, take-out food containers, unit product boxes,
41 liners, wrappers, serving vessels, eating utensils, straws, food boxes,
42 and disposable plates, bowls, or trays.

43 “Intentionally added PFAS” means PFAS added to a product or
44 intentionally used during the development of a product or one of its
45 product components to provide a specific characteristic, appearance, or
46 quality or to perform a specific function. “Intentionally added PFAS”
47 also includes any degradation byproducts of PFAS. ¹“Intentionally

1 added PFAS” shall not include a technically unavoidable trace
2 quantity of PFAS which stems from impurities of natural or synthetic
3 ingredients or the manufacturing process, storage, or migration from
4 packaging of the product or product component.”

5 “Internal component” means an internal part of a product, whether
6 permanently affixed or removable, that is designed and intended to not
7 be touched by a person during the intended use or handling of the
8 product. “Internal component” includes parts of a product used for
9 holding batteries, regardless of whether the parts are touched when
10 replacing batteries.¹

11 “Manufacturer” means the person that manufactures a product or
12 whose brand name is affixed to the product. In the case of a product
13 imported into the United States, “manufacturer” includes the importer
14 or first domestic distributor of the product if the person that
15 manufactured or assembled the product or whose brand name is
16 affixed to the product does not have a presence in the United States.

17 “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means
18 substances that include any member of the class of fluorinated organic
19 chemicals containing at least one fully fluorinated carbon atom.

20 “Product” means an item manufactured, assembled, packaged, or
21 otherwise prepared for sale to consumers, including its product
22 components, which is sold or distributed for personal, residential,
23 commercial, or industrial use, including for use in making other
24 products.

25 “Product component” means an identifiable component of a
26 product, regardless of whether the manufacturer of the product is the
27 manufacturer of the component.

28 “Product label” means a display of written, printed, or graphic
29 material that appears on, or is affixed to, the exterior of a product, or
30 its exterior container or wrapper that is visible to a consumer, if the
31 product has an exterior container or wrapper.

32
33 4. a. Beginning two years after the effective date of this act, no
34 person shall sell, offer for sale, or distribute for sale in the State any
35 cosmetic product that contains intentionally added PFAS.

36 b. If a cosmetic product contains a technically unavoidable trace
37 quantity of PFAS, which stems from impurities of natural or synthetic
38 ingredients or the manufacturing process, storage, or migration from
39 packaging of the cosmetic product, that trace quantity shall not cause
40 the product to be in violation of this section.

41 ¹c. The provisions of this section shall not apply to a product that
42 contains intentionally added PFAS only in electronic components or
43 internal components of the product.¹

44
45 5. a. Beginning two years after the effective date of this act, no
46 person shall sell, offer for sale, or distribute for sale in the State a
47 carpet or fabric treatment that contains intentionally added PFAS.

1 This prohibition shall not apply to the sale or resale of a used carpet
2 or fabric treatment.

3 b. If a carpet or fabric treatment contains a technically
4 unavoidable trace quantity of PFAS, which stems from impurities of
5 natural or synthetic ingredients or the manufacturing process,
6 storage, or migration from packaging of the product, that trace
7 quantity shall not cause the product to be in violation of this
8 section.

9
10 6. a. Beginning two years after the effective date of this act, no
11 person shall sell, offer for sale, or distribute for sale in the State any
12 food packaging that contains intentionally added PFAS.

13 b. If a food packaging product contains a technically
14 unavoidable trace quantity of PFAS, which stems from impurities of
15 natural or synthetic ingredients or the manufacturing process,
16 storage, or migration from packaging of the product, that trace
17 quantity shall not cause the product to be in violation of this
18 section.

19
20 7. a. Beginning two years after the effective date of this act, a
21 manufacturer of cookware sold in the State that contains ²an²
22 intentionally added PFAS in the handle of the product or in any
23 product surface that comes into contact with food, foodstuffs, or
24 beverages shall list the presence of ²the intentionally added² PFAS
25 on the product label.

26 b. The product label of a cookware product containing PFAS
27 shall include a statement, in both English and Spanish, that reads:
28 “This product contains PFAS.”

29 c. A manufacturer of cookware sold in the State shall ensure that
30 the statement required on the product label pursuant to subsection b.
31 of this section is visible and legible to the consumer, including on
32 the product listing for online sales.

33 d. Beginning two years after the effective date of this act, a
34 manufacturer shall not make a claim, on the product label or
35 Internet website for the cookware product, that the cookware is free
36 of PFAS if PFAS was intentionally added to the cookware.

37 e. Cookware that meets both of the following requirements shall
38 be exempt from the ¹labeling¹ requirements of this section:

39 (1) the surface area of the cookware cannot fit a product label of
40 at least two square inches; and

41 (2) the cookware does not have either of the following:

42 (a) an exterior container or wrapper on which a product label can
43 appear or be affixed; or

44 (b) a tag or other attachment with information about the product
45 attached to the cookware.

1 ¹f. The provisions of this section shall not apply to a product
2 that contains intentionally added PFAS only in electronic
3 components or internal components of the product.¹

4 ²g. Notwithstanding the provisions of this section to the
5 contrary, any cookware product with a product label that lists the
6 presence of PFAS or a PFAS chemical pursuant to another state or
7 federal law shall be deemed in compliance with the requirements of
8 this section.²

9
10 8. a. Beginning two years after the effective date of this act, no
11 person shall sell, offer for sale, or distribute for sale within the State
12 cookware that contains PFAS unless the cookware and the
13 manufacturer of the cookware have complied with the labeling
14 requirements established pursuant to section 7 of this act.

15 b. If a cookware product contains a technically unavoidable
16 trace quantity of PFAS, which stems from impurities of natural or
17 synthetic ingredients or the manufacturing process, storage, or
18 migration from packaging of the product, that trace quantity shall
19 not cause the product to be in violation of this section.

20
21 ³[9. a. ¹[The department shall recommend to the Legislature
22 products, in addition to those prohibited from being sold, offered
23 for sale, or distributed pursuant to this act, by category or use, that
24 should not be sold, offered for sale, or distributed for sale in this
25 State if they contain intentionally added PFAS.]] As used in this
26 section, “consumer product” means an item manufactured,
27 assembled, packaged, or otherwise prepared for sale to consumers,
28 including its product components, which is sold or distributed for
29 personal, residential, or commercial use. “Consumer product” shall
30 not include the following: (1) drugs, dietary supplements, medical
31 devices, or cosmetics as those terms are defined in the Federal
32 Food, Drug, and Cosmetic Act (21 U.S.C. s.301 et seq.); (2)
33 products regulated under the “Federal Insecticide, Fungicide, and
34 Rodenticide Act” (7 U.S.C. s.136 et seq.); (3) medical food, as that
35 term is defined in 21 U.S.C. s.360ee(b)(3); (4) drugs, biological
36 products, parasitocides, medical devices, or in vitro diagnostics that
37 are used to treat, or that are administered to, animals, and are
38 regulated by the United States Food and Drug Administration
39 pursuant to the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
40 s.301 et seq.), or by the United States Department of Agriculture
41 pursuant to 21 U.S.C. ss.151-159, known as the Virus-Serum-Toxin
42 Act; (5) medical equipment and products, and the packaging or
43 packaging components thereof, which are used in healthcare
44 settings, including hospitals and clinics that are regulated by the
45 United States Food and Drug Administration, or which are used for
46 the dispensing of medication; ²[and]² (6) medical equipment or
47 products, and the packaging or packaging components thereof,

1 which are intended for “Research Use Only,” as defined in the
 2 Federal Food, Drug, and Cosmetic Act (21 U.S.C. s.301 et seq.) ²;
 3 and (7) products made with or containing fluoropolymers,
 4 consisting of polymeric substances for which the backbone of the
 5 polymer is either a perfluorinated or polyfluorinated carbon-only
 6 backbone or perfluorinated polyether backbone that is a solid at
 7 standard temperature and pressure² .¹

8 b. In determining which additional ¹consumer¹ products
 9 containing PFAS ¹【should】 the department shall recommend,
 10 pursuant to subsection c. of this section, to¹ be prohibited for sale or
 11 distribution within the State, the department shall prioritize ¹【the
 12 prohibition of the sale of】 consumer¹ product categories or uses
 13 that, in the department’s judgment, pose the greatest risk to public
 14 health or are most likely to cause contamination of the State’s air,
 15 land, or water resources if they contain intentionally added PFAS.

16 ¹c. The department shall recommend to the Legislature
 17 consumer products, in addition to those prohibited from being sold,
 18 offered for sale, or distributed pursuant to this act, by category or
 19 use, that should not be sold, offered for sale, or distributed for sale
 20 in this State if they contain intentionally added PFAS.¹

21 ²Notwithstanding the provisions of paragraph (7) of subsection a. of
 22 this section to the contrary, the department may make a
 23 recommendation concerning a product that contains a
 24 fluoropolymer, if the recommendation is based on the presence of
 25 an intentionally added PFAS that is not a fluoropolymer.²³

26
 27 ³【10.】 ⁹³ The ³【department】 division³ may audit or investigate a
 28 manufacturer ¹of a product covered under the provisions of this act¹ to
 29 assess the manufacturer's compliance with the requirements of this act.
 30 ³【Each year, the department may】 The division shall be authorized to³
 31 audit, or cause to be audited, a random sample of manufacturers ¹of
 32 products covered under the provisions of this act¹ in order to
 33 determine compliance with this act. A manufacturer shall cooperate
 34 fully with any audit or investigation conducted pursuant to this section.
 35 The ³【department】 division³ may require a manufacturer to pay the
 36 costs of an audit conducted pursuant to this section.

37
 38 ³【11.】 ¹⁰³ a. Whenever the ³【Commissioner of Environmental
 39 Protection】 Division of Consumer Affairs³ finds that a person has
 40 violated any provision of this act, or any rule or regulation adopted
 41 pursuant thereto, including violating the provisions of subsection d. of
 42 section 7 of this act by making a false claim on the product label or
 43 Internet website for a cookware product, the ³【commissioner】
 44 division³ may:

45 (1) issue an order requiring the person found to be in violation to
 46 comply in accordance with subsection b. of this section;

1 (2) bring a civil action in accordance with subsection c. of this
2 section;

3 (3) levy a civil administrative penalty in accordance with
4 subsection d. of this section;

5 (4) bring an action for a civil penalty in accordance with
6 subsection e. of this section;

7 (5) direct a manufacturer or other person that is not in compliance
8 with the requirements of this act to stop offering for sale or distributing
9 certain products that contain intentionally-added PFAS; or

10 (6) notify the public of a manufacturer that is not in compliance
11 with the requirements of this act.

12 The exercise of any of the remedies provided in this section shall
13 not preclude the seeking of any other remedy specified.

14 b. Whenever the ³**[commissioner]** division³ finds that a person
15 has violated this act, or any rule or regulation adopted pursuant
16 thereto, the ³**[commissioner]** division³ may issue an administrative
17 enforcement order specifying the provision or provisions of this act, or
18 the rule or regulation adopted pursuant thereto, of which the person is
19 in violation, citing the action that constituted the violation, requiring
20 compliance with the provision violated, and giving notice to the person
21 of the person's right to a hearing on the matters contained in the
22 administrative enforcement order. The ordered person shall have 20
23 calendar days from receipt of the order within which to deliver to the
24 ³**[commissioner]** division³ a written request for a hearing. After the
25 hearing and upon finding that a violation has occurred, the
26 ³**[commissioner]** division³ may issue a final order. If no hearing is
27 requested, the order shall become final after the expiration of the 20-
28 day period. A request for hearing shall not automatically stay the
29 effect of the order.

30 c. The ³**[commissioner]** division³ is authorized to institute a civil
31 action in Superior Court for appropriate relief from any violation of
32 the provisions of this act, or any rule or regulation adopted pursuant
33 thereto. This relief may include an assessment against the violator for
34 the costs of any investigation, inspection, or audit that led to the
35 discovery and establishment of the violation, and for the reasonable
36 costs of preparing and litigating the case under this subsection.

37 d. The ³**[commissioner]** division³ is authorized to impose a civil
38 administrative penalty of not less than \$1,000 nor more than \$20,000
39 for each violation, provided that each day during which the violation
40 continues shall constitute an additional, separate and distinct offense.
41 In assessing a civil administrative penalty, the ³**[commissioner]**
42 division³ shall consider the severity of the violation, the measures
43 taken to prevent further violations, and whether the penalty will
44 maintain an appropriate deterrent. Prior to assessment of a civil
45 administrative penalty, the person committing the violation shall be
46 notified by certified mail or personal service that the penalty is being
47 assessed. The notice shall identify the section of the statute, rule,

1 regulation, or order violated; recite the facts alleged to constitute a
2 violation; state the basis for the amount of the civil administrative
3 penalties to be assessed; and affirm the rights of the alleged violator to
4 a hearing. The ordered party shall have 35 days from receipt of the
5 notice within which to deliver to the ³【commissioner】 division³ a
6 written request for a hearing. After the hearing and upon finding that a
7 violation has occurred, the ³【commissioner】 division³ may issue a
8 final order after assessing the amount of the fine specified in the
9 notice. If no hearing is requested, the notice shall become a final order
10 after the expiration of the 35-day period. Payment of the assessment is
11 due when a final order is issued or the notice becomes a final order.
12 The authority to levy an administrative order is in addition to all other
13 enforcement provisions in this act, and the payment of any assessment
14 shall not be deemed to affect the availability of any other enforcement
15 provisions in connection with the violation for which the assessment is
16 levied. The ³【department】 division³ may compromise any civil
17 administrative penalty assessed under this section in an amount and
18 with conditions the ³【department】 division³ determines appropriate.

19 e. A person who violates any provision of this act, or any rule or
20 regulation adopted pursuant thereto, or an administrative order issued
21 pursuant to subsection b. of this section, or a court order issued
22 pursuant to subsection c. of this section, or who fails to pay a civil
23 administrative penalty in full pursuant to subsection d. of this section,
24 or who knowingly makes any false or misleading statement on any
25 application, record, report, or other document required to be submitted
26 to the ³【department】 division³, shall be subject, upon order of a court,
27 to a civil penalty not to exceed \$25,000 per day of the violation, and
28 each day during which the violation continues shall constitute an
29 additional, separate, and distinct offense. Any civil penalty imposed
30 pursuant to this subsection may be collected with costs in a summary
31 proceeding pursuant to the "Penalty Enforcement Law of 1999,"
32 P.L.1999, c.274 (C.2A:58-10 et seq.), or may be collected in a civil
33 action commenced by the ³【commissioner】 division³. In addition to
34 any penalties, costs or interest charges, the Superior Court, or the
35 municipal court as the case may be, may assess against the violator the
36 amount of economic benefit accruing to the violator from the
37 violation.

38
39 ³【15.】 11.³ a. Any proprietary information or trade secrets
40 included in any written notification, certification, or any other record
41 submitted to the ³【department】 division³ pursuant to this act shall not
42 be made available to the general public pursuant to P.L.1963, c.73
43 (C.47:1A-1 et seq.), commonly known as the open public records act.

44 b. In order to identify the proprietary information or trade secrets
45 to be protected from public disclosure pursuant to subsection a. of this
46 section, a manufacturer shall file a trade secret claim to the
47 ³【department】 division³, in a form and manner determined by the

1 ³[department] division³ . No later than 90 days after receipt of a trade
2 secret claim, the ³[department] division³ shall make a determination
3 on the validity of the trade secret claim. Upon making a determination
4 on the validity of a trade secret claim, the ³[department] division³
5 shall inform the manufacturer of the determination by certified mail.
6 If the ³[department] division³ determines that the manufacturer's trade
7 secret claim is not valid, the manufacturer shall have 45 days from the
8 receipt of the ³[department's] division's³ determination to file with
9 the ³[department] division³ a written request for an administrative
10 hearing on the determination. If the manufacturer does not file such a
11 request within 45 days, the ³[department] division³ may take action to
12 disclose the information for which the trade secret claim was made,
13 pursuant to the provisions of this act. If an manufacturer requests an
14 administrative hearing pursuant to the provisions of this subsection,
15 the ³[department] division³ shall refer the matter to the Office of
16 Administrative Law, for a hearing thereon. At the hearing the
17 manufacturer shall have the burden to show that the trade secret claim
18 is valid. Within 45 days of receipt of the administrative law judge's
19 recommendation, the ³[department] division³ shall affirm, reject, or
20 modify the recommendation. The ³[department's] division's³ action
21 shall be considered the final agency action for the purposes of the
22 "Administrative Procedure Act," P.L. 1968, c. 410 (C. 52:14B-1 et
23 seq.), and shall be subject only to judicial review as provided in the
24 Rules of Court. The ³[department] division³ shall inform the
25 manufacturer of its decision on the administrative law judge's
26 recommendation by certified mail.

27 c. The subject of any trade secret claim pending or approved shall
28 be treated as confidential information. The ³[department] division³
29 shall not disclose any confidential information to any person except an
30 officer or employee of the State in connection with the official duties
31 of the officer or employee under any law for the protection of public
32 health or the environment. Any officer or employee of the State who
33 has access to any confidential information, and who willingly and
34 knowingly discloses the confidential information to any person not
35 authorized to receive it, shall be guilty of a crime of the third degree.

36 d. Any written notification containing information for which a
37 trade secret claim is pending or has been approved may be made
38 available to the public with that information concealed.
39

40 ³12. As used in sections 12 through 14 of this act:

41 "Department" means the Department of Environmental Protection.

42 "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means
43 substances that include any member of the class of fluorinated organic
44 chemicals containing at least one fully fluorinated carbon atom.³

1 ³[12.] 13.³ a. No later than one year after the effective date of
2 this act, the department shall establish and implement a source
3 reduction program to reduce the presence of PFAS in the State's air,
4 water, and soil by encouraging the proper management of materials
5 that contain PFAS and the use of safer alternatives. The program
6 shall include, at a minimum:

7 (1) informational resources targeted to industrial and commercial
8 users of PFAS;

9 (2) education of the general public concerning PFAS and its
10 environmental and health impacts;

11 (3) to the extent funds are available, grants to operators of
12 publicly owned treatment works for the purposes of developing,
13 expanding, or implementing pretreatment standards for PFAS and
14 education of users on sources of PFAS and proper management;

15 (4) to the extent funds are available, grants to municipalities for
16 the purposes of educating solid waste disposal users on sources of
17 PFAS and its proper management; and

18 (5) any other information and efforts that are determined by the
19 department to be beneficial in reducing the presence and impact of
20 PFAS in the State.

21 b. No later than two years after the effective date of this act, and
22 annually thereafter until 10 years after the effective date of this act,
23 the department shall submit a report to the Governor and the
24 Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-
25 19.1), on the effectiveness of the program in reducing PFAS
26 discharges to air, water, and soil within the State, and educating
27 industrial and commercial users of PFAS and residents of the State
28 on PFAS and its proper management.

29
30 ³[13.] 14.³ a. The department shall conduct PFAS-related
31 research and comprehensive monitoring and testing of the presence
32 and impact of PFAS on the environmental media within the State,
33 including air, ¹ground and surface¹ water, biota, ¹sediment,¹ and soil.
34 The purpose of the department's research shall be to gain knowledge
35 surrounding the subject of PFAS, provide insight into the proper
36 management and mitigation of PFAS within the State, and to protect
37 the environment from the adverse impacts of PFAS.

38 b. The department's research shall include, at a minimum:

39 (1) the collection of soil samples from throughout the State for
40 monitoring and testing for PFAS;

41 (2) the collection of water samples from throughout the State for
42 monitoring and testing for PFAS;

43 (3) the collection of air samples from throughout the State for
44 monitoring and testing for PFAS;

45 (4) ¹the collection of biosolids from throughout the State for
46 monitoring and testing for PFAS;

1 (5)¹ the collection of fish, plant, and animal samples from
2 throughout the State for monitoring and testing for PFAS;

3 ¹[(5)] (6)¹ the comparison of PFAS samples gathered across the
4 State in an effort to measure levels of PFAS contamination and also
5 determine if there are any hotspots of PFAS contamination in the
6 State;

7 ¹[(6)] (7)¹ research concerning the impact of PFAS on the State's
8 air, water, and soil quality and ways to mitigate the negative impacts
9 of PFAS;

10 ¹[(7)] (8)¹ data collection of research findings and mitigation
11 efforts concerning PFAS in other States and countries; and

12 ¹[(8)] (9)¹ any other data collection and research that the
13 department deems necessary to improve the current foundation of
14 knowledge on the subject of PFAS.

15 c. No later than two years after the effective date of this act, and
16 annually thereafter, the department shall provide a report to the
17 Governor and the Legislature, pursuant to section 2 of P.L.1991, c.164
18 (C.52:14-19.1), summarizing their research findings and activities and
19 providing recommendations for programs, policies, and legislation to
20 address the presence of PFAS in the State.

21
22 ³[14.] 15.³ a. There is appropriated from the General Fund to the
23 ³[department] Department of Environmental Protection³ the sum of
24 ³[\$5] 4.5³ million ¹[for the purposes of] to implement the provisions
25 of ³sections 12 through 14 of³ this act. The department shall utilize
26 ³[\$2.5] 2.25³ million for the purposes of¹ carrying out the source
27 reduction program pursuant to section ³[(12)] 13³ of this act and
28 ³[\$2.5] 2.25³ million for the purposes of¹ conducting PFAS-related
29 research, monitoring, and testing pursuant to section ³[(13)] 14³ of this
30 act.

31 b. Each year after the date of enactment of this act, the department
32 shall submit as a part of its annual budget, a request for sufficient
33 funds to conduct the air, water, and soil testing and PFAS-related
34 research required pursuant section ³[(13)] 14³ of this act.

35 ³c. There is appropriated from the General Fund to the
36 Department of Law and Public Safety the sum of \$500,000 to
37 implement the provisions of sections 1 through 11 of this act.³

38
39 ³[15. a. Any proprietary information or trade secrets included
40 in any written notification, certification, or any other record
41 submitted to the department pursuant to this act shall not be made
42 available to the general public pursuant to P.L.1963, c.73 (C.47:1A-
43 1 et seq.), commonly known as the open public records act.

44 b. In order to identify the proprietary information or trade
45 secrets to be protected from public disclosure pursuant to
46 subsection a. of this section, a manufacturer shall file a trade secret

1 claim to the department, in a form and manner determined by the
2 department. No later than 90 days after receipt of a trade secret
3 claim, the department shall make a determination on the validity of
4 the trade secret claim. Upon making a determination on the validity
5 of a trade secret claim, the department shall inform the
6 manufacturer of the determination by certified mail. If the
7 department determines that the manufacturer's trade secret claim is
8 not valid, the manufacturer shall have 45 days from the receipt of
9 the department's determination to file with the department a written
10 request for an administrative hearing on the determination. If the
11 manufacturer does not file such a request within 45 days, the
12 department may take action to disclose the information for which
13 the trade secret claim was made, pursuant to the provisions of this
14 act. If an manufacturer requests an administrative hearing pursuant
15 to the provisions of this subsection, the department shall refer the
16 matter to the Office of Administrative Law, for a hearing thereon.
17 At the hearing the manufacturer shall have the burden to show that
18 the trade secret claim is valid. Within 45 days of receipt of the
19 administrative law judge's recommendation, the department shall
20 affirm, reject, or modify the recommendation. The department's
21 action shall be considered the final agency action for the purposes
22 of the "Administrative Procedure Act," P.L.1968, c. 410 (C.
23 52:14B-1 et seq.), and shall be subject only to judicial review as
24 provided in the Rules of Court. The department shall inform the
25 manufacturer of its decision on the administrative law judge's
26 recommendation by certified mail.

27 c. The subject of any trade secret claim pending or approved
28 shall be treated as confidential information. The department shall
29 not disclose any confidential information to any person except an
30 officer or employee of the State in connection with the official
31 duties of the officer or employee under any law for the protection of
32 public health or the environment. Any officer or employee of the
33 State who has access to any confidential information, and who
34 willingly and knowingly discloses the confidential information to
35 any person not authorized to receive it, shall be guilty of a crime of
36 the third degree.

37 d. Any written notification containing information for which a
38 trade secret claim is pending or has been approved may be made
39 available to the public with that information concealed. ³

40
41 16. ³a. ³ The ³**[department]** Department of Environmental
42 Protection³ may, pursuant to the "Administrative Procedure Act,"
43 P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules or regulations
44 necessary to implement the provisions of ³sections 12 through 14 of³
45 this act.

46 ³b. The Division of Consumer Affairs in the Department of Law
47 and Public Safety may, pursuant to the "Administrative Procedure

1 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules or regulations
2 necessary to implement the provisions of sections 1 through 11 of this
3 act.³

4
5 17. This act shall take effect immediately.