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U.S.

State Bans on Products With 'Forever Chemicals' Increase

More than a dozen states take action to address PFAS in food packaging, consumer products, firefighting foam



PFAS foam accumulates at the Van Etten Creek dam in Oscoda Township, Mich.

PHOTO: JAKE MAY/ASSOCIATED PRESS

By *Kris Maher* [Follow](#) and *Bob Tita* [Follow](#)

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New state laws banning products with “forever chemicals”—from carpets and fast-food wrappers to ski wax—are taking effect as momentum grows nationally to get rid of substances that accumulate in human bodies and are linked to serious health problems.

As of this month, Maine has banned the sale of residential carpets with long-lasting chemicals known as PFAS and became the first state to require companies to report products that contain the chemicals. In Washington and Vermont, companies can no longer sell or use food packaging, such as wrappers and pizza boxes, that contain them. Vermont’s ban on ski waxes with the chemicals begins in July.

“We have a moral obligation to do everything we can to protect Mainers from the toxics associated with this forever chemical,” said state Rep. Lori Gramlich, a Democrat who

sponsored three PFAS bills that passed with support from Republicans.

The state moves are aimed at eliminating nonessential uses of PFAS, a class of chemicals known as perfluoroalkyl and polyfluoroalkyl substances. For decades, manufacturers added PFAS to consumer products such as carpeting, cookware, shoes and cosmetics, because the chemicals resist heat, grease, stains and water.

The chemicals, however, accumulate in people and the environment and have been linked to kidney and testicular cancers, thyroid disease and high cholesterol, according to the Environmental Protection Agency. Manufacturers phased out two PFAS chemicals tied to health issues starting in the early 2000s, but the EPA has said that more than 600 other chemicals have been used in commerce in the U.S.

Eleven states have passed laws to eliminate PFAS in food packaging over the next several years. Many of those have also passed measures to remove the chemicals from firefighting foam, a source of drinking water contamination nationwide. California, Colorado and Maryland are taking steps to eliminate PFAS from cosmetics.

Amid the shifting regulatory landscape, some companies have said they plan to stop using PFAS. 3M Co., one of the biggest PFAS manufacturers, said in December it would stop using them entirely by the end of 2025. Lawsuits and the threat of more to come are also causing companies to eliminate the chemicals from products and packaging.

Maine has taken the lead on regulating PFAS, which have been found to contaminate many of the state's farms. This month, the state became the first to require companies that manufacture, import or sell products with PFAS to report them to the state. Maine's law will ban all PFAS products, except for essential uses, by 2030.

Advocates say the far-reaching law will open a new window on products that contain the chemicals. The state has granted extensions to hundreds of companies to comply with the law and has yet to make any lists of products publicly available.

"Having this disclosure database is an important step for activists, scientists and the general public being able to really know what is in the products and make informed decisions when they're shopping," said Sarah Woodbury, director of advocacy for Defend Our Health, which advocated for the law.



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PHOTO: ROBERT F. BUKATY/ASSOCIATED PRESS

The Maine State Chamber of Commerce told the state Department of Environmental Protection in written comments in November that the law would affect nearly every sector of the state economy, including retail, healthcare, construction and agriculture.

“Based on our understanding of the status of any proposed rulemaking, manufacturers and other affected companies do not yet know what information is required and how to comply with this broad mandate,” wrote Benjamin Lucas, government relations specialist for the chamber.

David Madore, deputy commissioner for the Maine DEP, said the program has been inundated with questions about reporting and that it is working through more than 20 preliminary reports. He said the department is evaluating some claims of confidentiality made by companies.

The new state laws are creating headaches for many companies, said John Gardella, a Boston-based attorney who advises companies on how to comply with state PFAS laws.

It is often difficult for companies to know whether PFAS are in products or components sourced from other countries, he said. In some cases, companies need to determine whether the chemicals can be removed from products while maintaining performance.

Mr. Gardella said companies are concerned now that making a list of products containing PFAS open to the public will also lead plaintiffs' lawyers to target products for litigation.

“The plaintiffs’ bar will have a very easy time collecting this data as well and figuring out which product types to target,” he said.

The sheer number of PFAS chemicals also presents hurdles. Labs in the U.S. typically only search for a fraction of more than 12,000 PFAS compounds listed on an EPA database.

Since 2021, more than a dozen lawsuits alleging consumer fraud have been filed against companies for allegedly exposing consumers to PFAS. The number of cases filed has grown since the EPA issued a safe-consumption level last June for two PFAS chemicals well below current detection limits.

Meanwhile, the number of companies eliminating PFAS is growing. Chains such as McDonald’s and Starbucks have said that they will phase out PFAS in food packaging.

In December, 3M released a list of thousands of 3M products that contain varieties of PFAS chemicals that the company has said are safe. The company’s CEO, Michael Roman, previously said the decision to stop using the chemicals by the end of 2025 was influenced by increasing regulation of PFAS.

“Customers are taking note of PFAS regulations. They’re looking for alternatives,” Mr. Roman said.

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