

SENATE, No. 4367

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED MAY 12, 2025

Sponsored by:

Senator JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

SYNOPSIS

Establishes requirements and prohibitions for sale and distribution of certain products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning perfluoroalkyl and polyfluoroalkyl substances
2 and supplementing Title 13 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

8 “Apparel” means (1) clothing items intended for regular wear or
9 formal occasions, including, but not limited to, undergarments,
10 shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests,
11 dancewear, suits, saris, scarves, tops, leggings, school uniforms,
12 leisurewear, athletic wear, sports uniforms, everyday swimwear,
13 formal wear, onesies, bibs, diapers, footwear, and everyday
14 uniforms or work-wear; and (2) outdoor apparel.

15 “Architectural fabric structure” means a permanent fabric
16 structure that is intrinsic to a building’s design or construction.

17 “Carpet” means any covered product that is made from natural or
18 synthetic fabric that is marketed or intended for indoor use as a
19 floor covering. “Carpet” includes door mats intended for indoor use.

20 “Class B firefighting foam” means the same as the term is
21 defined in subsection k. of section 1 of P.L.2023, c.243 (C.56:8-
22 229).

23 “Commissioner” means the Commissioner of Environmental
24 Protection.

25 “Covered product” means an item manufactured, assembled,
26 packaged or otherwise prepared for sale to consumers and intended
27 for personal or residential use. “Covered product” does not include:

28 (1) a product used in a manner that has been approved or
29 authorized by a federal or State agency, including:

30 (a) drugs, medical devices, biologics, or diagnostics approved
31 or authorized by the federal Food and Drug Administration or the
32 United States Department of Agriculture or otherwise subject to
33 regulation under the federal “Food, Drug, and Cosmetic Act” (21
34 U.S.C. s.301 et seq.);

35 (b) packaging for drugs, medical devices, biologics, or
36 diagnostics or non-pulp based packaging for food approved or
37 authorized by the federal Food and Drug Administration or the
38 United States Department of Agriculture or is otherwise in scope of
39 the federal “Food, Drug, and Cosmetic Act” (21 U.S.C. s.301 et
40 seq.);

41 (c) products registered or authorized for use under the “Federal
42 Insecticide, Fungicide, and Rodenticide Act” (7 U.S.C. s.136 et
43 seq.);

44 (d) substances designated by rulemaking or otherwise as
45 acceptable substitutes in specific uses under the United States
46 Environmental Protection Agency’s Significant New Alternatives
47 Policy (SNAP) program, or substitutes needed to execute the

1 “American Innovation and Manufacturing (AIM) Act” (42 U.S.C.
2 s.7675); or

3 (e) finished products certified or regulated by the federal
4 Aviation Administration or the Department of Defense, or both,
5 when used in a manner that was certified or regulated by such
6 agencies, including parts, materials, and processes when used to
7 manufacture or maintain such regulated or certified finished
8 products;

9 (2) polymeric substances for which the main chain (backbone)
10 of the polymer is either a per- or poly-fluorinated carbon-only
11 backbone or a perfluorinated polyether backbone;

12 (3) items that are required by federal or State laws and
13 regulations;

14 (4) a used product offered for sale or resale;

15 (5) motorized vehicles, including on and off-highway vehicles,
16 such as all-terrain vehicles, motorcycles, side-by-side vehicles, farm
17 equipment, construction equipment, and personal assistive mobility
18 devices;

19 (6) inaccessible electronic components of a product;

20 (7) cooling, heating, ventilation, air conditioning, and
21 refrigeration equipment, components, and servicing needs;

22 (8) dielectric heat transfer fluids for immersion cooling of
23 electronic components;

24 (9) infrastructure, devices, and other equipment used to transmit
25 voice, video, and data via broadcasting, cable, satellite, wireless,
26 wireline networks, or other means;

27 (10) products used for the generation and distribution of
28 electricity; and

29 (11) personal protective equipment.

30 “Cookware” means durable houseware items that are used in
31 homes and restaurants to prepare, dispense, or store food,
32 foodstuffs, or beverages. “Cookware” includes, but is not limited to,
33 pots, pans, skillets, grills, baking sheets, baking molds, trays,
34 bowls, and cooking utensils.

35 “Cosmetic” means a product that is intended to be rubbed,
36 poured, sprinkled, or sprayed on, introduced into, or otherwise
37 applied to the human body or any part thereof for cleansing,
38 beautifying, promoting attractiveness, or altering the appearance.
39 “Cosmetic” includes, but is not limited to, skin moisturizer,
40 perfume, lipstick, nail polish, eye or facial makeup preparation,
41 shampoo, conditioner, permanent wave products, hair dye, and
42 deodorant. “Cosmetic” does not include a product that requires a
43 prescription for distribution or dispensation or hydrofluorocarbons
44 or hydrofluoroolefins used as propellants in cosmetics.

45 “Department” means the Department of Environmental
46 Protection.

47 “Fabric treatment” means a product applied by a consumer to a
48 finished fabric to give the fabric stain resistance and water

1 resistance characteristics. “Fabric treatment” does not include
2 hydrofluorocarbons or hydrofluoroolefins used as propellants in
3 fabric treatments.

4 “Feminine hygiene products” means a product used to collect
5 menstrual and vaginal discharge, including tampons, pads, sponges,
6 menstrual underwear, disks, applicators, and menstrual cups,
7 whether disposable or reusable.

8 “Food packaging” means a nondurable package, packaging
9 component, or food serveware that is intended to contain, serve,
10 store, handle, protect, or market food, foodstuffs, or beverages, and
11 is composed, in substantial part, of paper, paperboard, or other
12 materials originally derived from plant fibers. “Food packaging”
13 includes food or beverage containers, take-out food containers, unit
14 product boxes, liners, wrappers, serving vessels, eating utensils,
15 straws, food boxes, and disposable plates, bowls, or trays.

16 “Intentionally added PFAS” means PFAS added to a product or
17 one of the product's components to provide a specific characteristic,
18 appearance, or quality or to perform a specific function.
19 “Intentionally added PFAS” also includes any degradation
20 byproducts of PFAS.

21 “Juvenile product” means a product designed for use by infants
22 or children under the age of twelve. “Juvenile product” includes,
23 but is not limited to: bassinets and other bedside sleepers; booster
24 seats, car seats or other child restraint systems; changing pads; co-
25 sleepers; crib or toddler mattresses; floor play matts; highchairs and
26 highchair pads; infant bouncers; infant carriers; infant or toddler
27 foam pillows; infant seats; infant sleep positioners; infant swings;
28 infant travel beds; infant walkers; nap cots; nursing pads and
29 pillows; play matts; playpens; play yards; foam matts, pads, or
30 pillows; portable foam nap matts; portable infant sleepers and hook-
31 on chairs; soft-sided portable cribs; and strollers. “Juvenile product”
32 does not include: electronic products; including personal computers
33 and any associated equipment audio and video equipment;
34 calculators; wireless phones; gaming consoles; handheld devices
35 incorporating a video screen and any associated peripheral device
36 such as a mouse, keyboard, power supply unit, or power cord; an
37 internal component of a juvenile product that would not come into
38 direct contact with a child’s skin or mouth during reasonably
39 foreseeable use and abuse of the product; apparel; adult mattresses;
40 or sports equipment and accessories.

41 “Manufacturer” means the person that manufactures a product or
42 whose brand name is affixed to the product. In the case of a
43 product imported into the United States, “manufacturer” includes
44 the importer or first domestic distributor of the product if the person
45 that manufactured or assembled the product or whose brand name is
46 affixed to the product does not have a presence in the United States.

47 “Outdoor apparel” means apparel that is intended primarily for
48 outdoor activities.

1 “Outdoor apparel designed for severe wet conditions” means
2 outdoor apparel designed for persons who engage in outdoor sports
3 not marketed for general consumer use to provide health and safety
4 protection against extended exposure to extreme rain conditions or
5 against extended immersion in water or wet conditions, such as
6 from snow. “Apparel” shall not include personal protective
7 equipment or clothing items for exclusive use by the United States
8 military.

9 “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS”
10 means non-polymeric perfluoroalkyl substances, saturated
11 polyfluoroalkyl substances, and side-chain fluorinated polymers
12 that contain at least two fully fluorinated sequential carbon atoms,
13 excluding gases and substances that become gases in use that are
14 regulated under various state, federal, and international programs.

15 “Personal protective equipment” means equipment worn to
16 minimize exposure to hazards that cause serious workplace injuries
17 and illnesses that may result from contact with chemical,
18 radiological, physical, biological, electrical, mechanical, or other
19 workplace or professional hazards.

20 “Ski wax” means a lubricant applied to the bottom of snow
21 runners, including, but not limited to, skis and snowboards, to
22 improve their grip or glide properties. “Ski wax” includes related
23 tuning products.

24 “Testing facility” means a location that allows for the discharge
25 of firefighting foam in non-emergency situations for the evaluation
26 of and calibration of firefighting equipment and firefighting foam.

27 “Textile” means any item made in whole or in part from a
28 natural, manmade, or synthetic fiber, yarn, or fabric, and includes,
29 but is not limited to, leather, cotton, silk, jute, hemp, wool, viscose,
30 nylon, or polyester. “Textile” shall not include single-use paper
31 hygiene products, including, but not limited to, toilet paper, paper
32 towels or tissues, or single-use absorbent hygiene products.

33 “Textile articles” means textile goods of a type customarily and
34 ordinarily used in households and businesses. “Textile articles”
35 includes, but is not limited to, apparel, accessories, handbags,
36 backpacks, draperies, shower curtains, furnishings, upholstery,
37 bedding, towels, napkins, and tablecloths. “Textile articles” does
38 not include carpets and rugs; treatments containing PFAS for use on
39 converted textiles or leathers; a vehicle, including, but not limited
40 to, an off-highway motor vehicle, or its component parts; a vessel,
41 or its component parts, such as boat covers; filtration media and its
42 filter products used in industrial applications, including, but not
43 limited to, chemical or pharmaceutical manufacturing and
44 environmental control applications; textile articles used in or for
45 laboratory analysis and testing; an aircraft or its component parts;
46 stadium shades or other architectural fabric structures; articles
47 intended to provide a barrier against biological fluids and other
48 infections, such as medical gowns and caps, surgical drapes and

1 covers, hospital linens, wound care pads and dressings, and surgical
2 hosiery; and personal protective equipment.

3

4 2. a. Beginning three years after the effective date of this act, no
5 person shall sell, offer for sale, or distribute for sale in the State the
6 following covered products containing intentionally added PFAS:

7 (1) apparel;

8 (2) carpet;

9 (3) fabric treatment;

10 (4) cosmetics;

11 (5) food packaging;

12 (6) juvenile products;

13 (7) feminine hygiene products;

14 (8) ski wax; and

15 (9) textile articles.

16 b. Beginning two years after the effective date of this act, except
17 as provided in subsection c. of this section, no person shall sell,
18 offer for sale, or distribute for sale any new, not previously used,
19 outdoor apparel designed for severe wet conditions containing
20 intentionally added PFAS unless the outdoor apparel designed for
21 severe wet conditions is labeled with a legible and easily
22 discernable notification that reads “Made with PFAS” to inform
23 consumers that the product contains PFAS. The labeling
24 requirements of this section shall also be required for online listings
25 of outdoor apparel designed for severe wet conditions.

26 c. Beginning five years after the effective date of this act, no
27 person shall sell, offer for sale, or distribute for sale in the State
28 outdoor apparel designed for severe wet conditions containing
29 intentionally added PFAS.

30

31 3. a. Beginning one year after the effective date of this act, a
32 manufacturer of cookware sold in the State that contains
33 intentionally added PFAS in the handle of the product or in any
34 product surface that comes into contact with food, foodstuffs, or
35 beverages shall list the presence of PFAS on the product label. The
36 product label of a cookware product containing intentionally added
37 PFAS shall include a statement, in both English and Spanish, that
38 reads: “This product contains PFAS.” The product label shall also
39 include the phrase “For more information about PFAS in the
40 product, please visit” followed by the following information:

41 (1) an internet web site address for a web page that provides
42 information about the reasons that PFAS are intentionally added to
43 the product; and

44 (2) a quick response (QR) code or other machine-readable code,
45 consisting of an array of squares, used for storing the internet
46 website for the web page established pursuant to paragraph (1) of
47 this subsection.

- 1 b. A manufacturer of cookware sold in the State shall ensure that
2 the statement required on the product label pursuant to subsection a.
3 of this section is visible and legible to the consumer, including on
4 the product listing for online sales.
- 5 c. Cookware that meets both of the following requirements shall
6 be exempt from the requirements of this section:
- 7 (1) the surface area of the cookware cannot fit a product label of
8 at least two square inches; and
- 9 (2) the cookware does not have either of the following:
- 10 (a) an exterior container or wrapper on which a product label
11 can appear or be affixed; or
- 12 (b) a tag or other attachment with information about the product
13 attached to the cookware.
- 14 d. Beginning one year after the effective date of this act, a
15 manufacturer shall not make a claim, on a cookware product or its
16 packaging, that the cookware is free of PFAS unless the product
17 does not contain intentionally added PFAS.
- 18 e. Beginning one year after the effective date of this act, no
19 person shall sell, offer for sale, or distribute for sale within the State
20 cookware containing intentionally added PFAS unless the cookware
21 and the manufacturer of the cookware have complied with the
22 labeling requirements established pursuant to this section.
23
- 24 4. a. Beginning two years after the effective date of this act, a
25 person, local government, or State agency shall not discharge for
26 training purposes class B firefighting foam that contains
27 intentionally added PFAS.
- 28 b. Beginning two years after the effective date of this act, a
29 person, local government, or State agency shall not discharge for
30 testing purposes class B firefighting foam containing intentionally
31 added PFAS unless:
- 32 (1) otherwise required by law or the authority having
33 jurisdiction; and
- 34 (2) the testing facility has implemented appropriate containment,
35 treatment, and disposal measures to prevent releases of the class B
36 firefighting foam into the environment.
- 37 c. The provisions of this section shall not restrict the
38 manufacture, sale, or distribution of class B firefighting foam
39 containing intentionally added PFAS or the discharge or use of
40 class B firefighting foam in emergency firefighting or fire
41 prevention operations.
- 42 d. Beginning two years after the effective date of this act, for the
43 purposes of training for firefighting operations, fire departments
44 shall utilize non-fluorinated training foams or other non-fluorinated
45 surrogates. Training for firefighting operations shall be conducted
46 under conditions conducive to the collection of spent firefighting
47 foam regardless of the type of foam being utilized.

1 5. a. Whenever the Commissioner of Environmental Protection
2 finds that a person has violated any provision of this act, or any rule
3 or regulation adopted pursuant thereto, the commissioner may:
4 (1) issue an order requiring the person found to be in violation
5 to comply in accordance with subsection b. of this section;
6 (2) bring a civil action in accordance with subsection c. of this
7 section;
8 (3) levy a civil administrative penalty in accordance with
9 subsection d. of this section;
10 (4) bring an action for a civil penalty in accordance with
11 subsection e. of this section;
12 (5) direct a manufacturer or other person that is not in
13 compliance with the requirements of this act to stop offering for
14 sale or distributing certain products that contain intentionally-added
15 PFAS; or
16 (6) notify the public of a manufacturer that is not in compliance
17 with the requirements of this act.
18 b. Whenever the commissioner finds that a person has violated
19 this act, or any rule or regulation adopted pursuant thereto, the
20 commissioner may issue an administrative enforcement order
21 specifying the provision or provisions of this act, or the rule or
22 regulation adopted pursuant thereto, of which the person is in
23 violation, citing the action that constituted the violation, requiring
24 compliance with the provision violated, and giving notice to the
25 person of the person's right to a hearing on the matters contained in
26 the administrative enforcement order. The ordered person shall
27 have 20 calendar days from receipt of the order within which to
28 deliver to the commissioner a written request for a hearing. After
29 the hearing and upon finding that a violation has occurred, the
30 commissioner may issue a final order. If no hearing is requested,
31 the order shall become final after the expiration of the 20-day
32 period. A request for hearing shall not automatically stay the effect
33 of the order.
34 c. The commissioner is authorized to institute a civil action in
35 Superior Court for appropriate relief from any violation of the
36 provisions of this act, or any rule or regulation adopted pursuant
37 thereto. This relief may include an assessment against the violator
38 for the costs of any investigation, inspection, or audit that led to the
39 discovery and establishment of the violation, and for the reasonable
40 costs of preparing and litigating the case under this subsection.
41 d. The commissioner is authorized to impose a civil
42 administrative penalty of not less than \$1,000 nor more than
43 \$20,000 for each violation, provided that each day during which the
44 violation continues shall constitute an additional, separate and
45 distinct offense. In assessing a civil administrative penalty, the
46 commissioner shall consider the severity of the violation, the
47 measures taken to prevent further violations, and whether the
48 penalty will maintain an appropriate deterrent. Prior to assessment

1 of a civil administrative penalty, the person committing the
2 violation shall be notified by certified mail or personal service that
3 the penalty is being assessed. The notice shall identify the section
4 of the statute, rule, regulation, or order violated; recite the facts
5 alleged to constitute a violation; state the basis for the amount of
6 the civil administrative penalties to be assessed; and affirm the
7 rights of the alleged violator to a hearing. The ordered party shall
8 have 20 days from receipt of the notice within which to deliver to
9 the commissioner a written request for a hearing. After the hearing
10 and upon finding that a violation has occurred, the commissioner
11 may issue a final order after assessing the amount of the fine
12 specified in the notice. If no hearing is requested, the notice shall
13 become a final order after the expiration of the 20-day period.
14 Payment of the assessment is due when a final order is issued or the
15 notice becomes a final order. The authority to levy an
16 administrative order is in addition to all other enforcement
17 provisions in this act, and the payment of any assessment shall not
18 be deemed to affect the availability of any other enforcement
19 provisions in connection with the violation for which the
20 assessment is levied. The department may compromise any civil
21 administrative penalty assessed under this section in an amount and
22 with conditions the department determines appropriate.

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

42 f. The exercise of any of the remedies provided in this section
43 shall not preclude the seeking of any other remedy specified.

44
45 6. This act shall take effect immediately.

STATEMENT

This bill would establish requirements and prohibitions for the sale, offer for sale, and distribution for sale of certain products containing intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). As defined in the bill, “PFAS” means non-polymeric perfluoroalkyl substances, saturated polyfluoroalkyl substances, and side-chain fluorinated polymers that contain at least two fully fluorinated sequential carbon atoms, excluding gases and substances that become gases in use that are regulated under various state, federal, and international programs, and “intentionally added PFAS” means PFAS added to a product or one of the product's components to provide a specific characteristic, appearance, or quality or to perform a specific function. “Intentionally added PFAS” also includes any degradation byproducts of PFAS.

Specifically, the bill would prohibit, beginning three years after the bill's effective date, the sale, offer for sale, and distribution for sale of the following covered products, if they are sold to customers for residential use, in the State: (1) apparel; (2) carpet; (3) fabric treatment; (4) cosmetics; (5) food packaging; (6) juvenile products; (7) feminine hygiene products; (8) ski wax; and (9) textile articles. Beginning two years after the bill's effective date, the bill would prohibit the sale, offer for sale, or distribution for sale in the State of any new, not previously used, outdoor apparel designed for severe wet conditions containing intentionally added PFAS unless the outdoor apparel designed for severe wet conditions is labeled with a legible and easily discernable notification that reads “Made with PFAS” to inform consumers that the product contains PFAS. The bill would also prohibit, beginning five years after the bill's effective date, the sale, offer for sale, or distribution for sale in the State of outdoor apparel designed for severe wet conditions containing intentionally added PFAS.

In addition, the bill would require, beginning one year after the bill's effective date, manufacturers of cookware sold in the State that contains intentionally added PFAS in the handle of the product or in any product surface that comes into contact with food, foodstuffs, or beverages to list the presence of PFAS on the product label. The product label of a cookware product containing intentionally added PFAS would be required to include a statement, in both English and Spanish, that reads: “This product contains PFAS,” and an internet website and quick response (QR) code that links to a website providing information about the reasons PFAS is intentionally added to the product. The bill provides certain exemptions to the labeling requirements for certain cookware. Beginning one year after the bill's effective date, the bill would prohibit the sale, offer for sale, and distribution for sale of cookware containing intentionally added PFAS unless the cookware

1 and the manufacturer of the cookware has complied with the bill's
2 labeling requirements.

3 The bill would also prohibit, beginning two years after the bill's
4 effective date, a person, local government, or State agency from
5 discharging for training purposes class B firefighting foam
6 containing intentionally added PFAS. The bill would prohibit,
7 beginning two years after the bill's effective date, a person, local
8 government, or State agency from discharging for testing purposes
9 class B firefighting foam containing intentionally added PFAS,
10 unless otherwise required by law or the authority having
11 jurisdiction and the testing facility has implemented appropriate
12 containment, treatment, and disposal measures to prevent releases
13 of the class B firefighting foam into the environment. The bill's
14 provisions concerning class B firefighting foam would not restrict
15 the manufacture, sale, or distribution of class B firefighting foam
16 containing intentionally added PFAS or the discharge or use of
17 class B firefighting foam in emergency firefighting or fire
18 prevention operations. In addition, beginning two years after the
19 bill's effective date, for the purposes of training for firefighting
20 operations, fire departments would be required to utilize non-
21 fluorinated training foams or other non-fluorinated surrogates.
22 Training for firefighting operations would be required to be
23 conducted under conditions conducive to the collection of spent
24 firefighting foam regardless of the type of foam being utilized.

25 The bill would establish a civil administrative penalty of not less
26 than \$1,000 nor more than \$20,000 for each violation of the bill's
27 provisions. The bill would also establish a civil penalty not to
28 exceed \$25,000 for a violation of the bill's provisions. The
29 penalties would be assessed for each day during which the
30 violations continued.