

**SENATE, No. 4367**

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**STATE OF NEW JERSEY**

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**221st LEGISLATURE**

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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 serviceware 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.

1 STATEMENT  
2

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

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

33 In addition, the bill would require, beginning one year after the  
34 bill's effective date, manufacturers of cookware sold in the State  
35 that contains intentionally added PFAS in the handle of the product  
36 or in any product surface that comes into contact with food,  
37 foodstuffs, or beverages to list the presence of PFAS on the product  
38 label. The product label of a cookware product containing  
39 intentionally added PFAS would be required to include a statement,  
40 in both English and Spanish, that reads: “This product contains  
41 PFAS,” and an internet website and quick response (QR) code that  
42 links to a website providing information about the reasons PFAS is  
43 intentionally added to the product. The bill provides certain  
44 exemptions to the labeling requirements for certain cookware.  
45 Beginning one year after the bill's effective date, the bill would  
46 prohibit the sale, offer for sale, and distribution for sale of  
47 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.