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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO HEALTH AND SAFETY -- CONSUMER PFAS BAN ACT OF 2024

Introduced By: Senators Felag, Sosnowski, DiMario, Lauria, Valverde, and Kallman

Date Introduced: February 13, 2025

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-18.18-3 and 23-18.18-5 of the General Laws in Chapter 23-18.18
2 entitled "Consumer PFAS Ban Act of 2024." are hereby amended to read as follows:

3 **23-18.18-3. Definitions.**

4 As used in this chapter:

5 (1) "Adult mattress" means a mattress other than a crib mattress or toddler mattress.

6 (2) "Apparel" means any of the following:

7 (i) Clothing items intended for regular wear or formal occasions, including, but not limited
8 to: undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear,
9 suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms,
10 everyday swimwear, formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for
11 workwear. Clothing items intended for regular wear or formal occasions does not include personal
12 protective equipment or clothing items for exclusive use by the United States military; and

13 (ii) Outdoor apparel.

14 (3) "Artificial turf" means a man-made material that simulates the appearance of live turf,
15 organic turf, grass, sod, or lawn.

16 (4) "Carpet" or "rug" means a consumer product made from natural or synthetic fabric
17 intended for use as a floor covering inside commercial or residential buildings. "Carpet or rug"
18 does not include:

19 (i) A carpet or rug intended solely for outdoor use;

1 (ii) A carpet or rug intended solely for use inside an aircraft, train, watercraft, automobile,
2 light duty truck, van, bus, or any other vehicle and any aftermarket or replacement part marketed
3 solely for use in a vehicle;

4 (iii) A resilient floor covering;

5 (iv) Artificial turf;

6 (v) A wall hanging or covering;

7 (vi) A table mat; or

8 (vii) A camping sleeping mat.

9 (5) "Cookware" means durable cookware items that are used in homes and restaurants to
10 prepare, dispense, or store food, foodstuffs, or beverages. "Cookware" includes pots, pans, skillets,
11 grills, baking sheets, baking molds, trays, bowls, and cooking utensils.

12 (6) "Cosmetic" means:

13 (i) Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or
14 otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting
15 attractiveness, or altering the appearance; and

16 (ii) Articles intended for use as a component of any such article; except that such term shall
17 not include soap.

18 (7) "Covered product" means the following:

19 (i) Artificial turf;

20 (ii) Carpets or rugs;

21 (iii) Cookware;

22 (iv) Cosmetics;

23 (v) Fabric treatments;

24 (vi) Juvenile products;

25 (vii) Menstrual products;

26 (viii) Ski wax;

27 (ix) Textile articles;

28 [\(x\) Firefighting personal protective equipment.](#)

29 (8) "Department" means the department of environmental management.

30 (9) "Director" means the director of the department of environmental management.

31 (10) "Fabric treatment" means a substance applied to fabric to give the fabric one or more
32 characteristics, including, but not limited to, stain resistance or water resistance.

33 (11) "Ingredient" has the same meaning as defined in 21 C.F.R. Part 700 § 700.3(e) and
34 does not include any incidental ingredient as defined in 21 C.F.R. Part 701 § 701.3.

1 (12) “Intentionally added PFAS” means PFAS added to a covered product or one of its
2 product components to provide a specific characteristic, appearance, or quality or to perform a
3 specific function. “Intentionally added PFAS” also includes any degradation byproducts of PFAS
4 or PFAS that are intentional breakdown products of an added chemical. The use of PFAS as a
5 processing agent, mold release agent, or intermediate is considered intentional introduction for the
6 purposes of this chapter where PFAS is detected in the final covered product.

7 (13) “Juvenile product” means a product designed for use by infants and children under
8 twelve (12) years of age, including, but not limited to: a baby or toddler foam pillow, bassinet,
9 bedside sleeper, booster seat, changing pad, child restraint system for use in motor vehicles and
10 aircraft, co-sleeper, crib mattress, floor playmat, highchair, highchair pad, infant bouncer, infant
11 carrier, infant seat, infant sleep positioner, infant swing, infant travel bed, infant walker, nap cot,
12 nursing pad, nursing pillow, playmat, playpen, play yard, polyurethane foam mat, pad, or pillow,
13 portable foam nap mat, portable infant sleeper, portable hook-on chair, soft-sided portable crib,
14 stroller, and toddler mattress. “Juvenile product” shall not include any of the following:

15 (i) A children’s electronic product, including, but not limited to: a personal computer, audio
16 and video equipment, calculator, wireless phone, game console, handheld device incorporating a
17 video screen, or any associated peripheral such as a mouse, keyboard, power supply unit, power
18 cord, film, camera, audio, visual, or imaging equipment or sensors;

19 (ii) A medical device;

20 (iii) An adult mattress; or

21 (iv) Children’s electronic products containing integrated circuits, semiconductor package,
22 or device that contains a semiconductor chip.

23 (14) “Manufacturer” means the person that manufactures a product or whose brand name
24 is affixed to the product. In the case of a product imported into the United States, “manufacturer”
25 includes the importer or first domestic distributor of the product if the person that manufactured or
26 assembled the product or whose brand name is affixed to the product does not have a presence in
27 the United States.

28 (15) “Medical device” has the same meaning as the term “device” as defined in 21 U.S.C.
29 § 321(h).

30 (16) “Menstrual product” means a product used to collect menstruation and vaginal
31 discharge, including, but not limited to: tampons, pads, sponges, menstruation underwear, disks,
32 applicators, and menstrual cups, whether disposable or reusable.

33 (17) “Outdoor apparel” means clothing items intended primarily for outdoor activities,
34 including, but not limited to: hiking, camping, skiing, climbing, bicycling, and fishing.

1 (18) “Outdoor apparel for severe wet conditions” means apparel that are extreme and
2 extended use products designed for outdoor sports experts for applications that provide protection
3 against extended exposure to extreme rain conditions or against extended immersion in water or
4 wet conditions, such as from snow, in order to protect the health and safety of the user and that are
5 not marketed for general consumer use. Examples of extreme and extended use products include
6 outerwear for offshore fishing, offshore sailing, whitewater kayaking, and mountaineering.

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

10 (20) “Personal protective equipment” means equipment worn to minimize exposure to
11 hazards that cause serious workplace injuries and illnesses that may result from contact with
12 chemical, radiological, physical, biological, electrical, mechanical, or other workplace or
13 professional hazards.

14 (21) “Product” means an item manufactured, assembled, packaged, or otherwise prepared
15 for sale to consumers, including its product components, sold or distributed for personal or
16 residential use, including for use in making other products. “Product” does not mean used products
17 offered for sale or resale.

18 (22) “Product component” means an identifiable component of a product, regardless of
19 whether the manufacturer of the product is the manufacturer of the component.

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

23 (24) “Textile” means any item made in whole or part from a natural, manmade, or synthetic
24 fiber, yarn, or fabric, and includes, but is not limited to: leather, cotton, silk, jute, hemp, wool,
25 viscose, nylon, or polyester. “Textile” does not include single-use paper hygiene products,
26 including, but not limited to: toilet paper, paper towels or tissues, or single-use absorbent hygiene
27 products.

28 (25) “Textile articles” means textile goods of a type customarily and ordinarily used in
29 households and businesses, and include, but are not limited to: apparel, accessories, handbags,
30 backpacks, draperies, shower curtains, furnishings, upholstery, beddings, towels, napkins, and
31 tablecloths. “Textile articles” does not include:

32 (i) A carpet or rug;

33 (ii) A treatment for use on covered textiles or leathers;

34 (iii) A textile used in or designed for laboratory analysis and testing;

- 1 (iv) A stadium shade or other architectural fabric structure; or
2 (v) Filtration or separation media processing equipment and plumbing, or a filter product
3 used in industrial applications, including but not limited to, chemical or pharmaceutical
4 manufacturing and environmental control technologies.

5 **23-18.18-5. Ban in firefighting foam.**

6 (a) For the purposes of this section, the following terms shall have the following meanings:

7 (1) "Class B firefighting foam" means foams designed for flammable liquid fires.

8 (2) "Firefighting personal protective equipment" means any clothing designed, intended,
9 or marketed to be worn by firefighting personnel in the performance of their duties, designed with
10 the intent for the use in fire and rescue activities, including jackets, pants, shoes, gloves, helmets,
11 and respiratory equipment.

12 (3) "Local government" means any county, city, town, fire district, regional fire protection
13 authority, or other special purpose district that provides firefighting services.

14 (4) "Terminal" means an establishment primarily engaged in the wholesale distribution of
15 crude petroleum and petroleum products, including liquefied petroleum gas from bulk liquid
16 storage facilities.

17 (b) Beginning January 1, 2025, a person, local government, or state agency may not
18 discharge or otherwise use for training purposes class B firefighting foam that contains intentionally
19 added PFAS chemicals.

20 (c) Beginning January 1, 2025, a manufacturer of class B firefighting foam may not
21 manufacture, knowingly sell, offer for sale, distribute for sale, or distribute for use or use in this
22 state class B firefighting foam to which PFAS have been intentionally added.

23 (d) The restrictions in subsections (b) and (c) of this section do not apply to any
24 manufacture, sale, or distribution of class B firefighting foam where the inclusion of PFAS
25 chemicals are required by federal law, including, but not limited to, the requirements of 14 C.F.R.
26 § 139.317, as that section existed as of January 1, 2022. In the event that applicable federal
27 regulations change after January 1, 2022, to allow the use of alternative firefighting agents that do
28 not contain PFAS chemicals, the restrictions set forth in subsection (b) of this section shall apply.

29 (1) A person that uses class B firefighting foam containing PFAS chemicals pursuant to
30 subsection (d) of this section shall report the use of the foam to the state fire marshal within five
31 (5) business days of the use, including the identity of the foam, the quantity used, the total PFAS
32 concentration, the application for which the foam was used, and the duration of the fire.

33 (2) A person that uses class B firefighting foam containing PFAS chemicals pursuant to
34 subsection (d) of this section shall do all of the following:

1 (i) Allow no release directly to the environment, such as to unsealed ground, soakage pits,
2 waterways, or uncontrolled drains;

3 (ii) Fully contain all releases onsite;

4 (iii) Implement containment measures such as bunds and ponds that are controlled,
5 impervious to PFAS, and do not allow firewater, wastewater, runoff, and other wastes to be released
6 to the environment, such as to soils, groundwater, waterways, or stormwater;

7 (iv) Dispose of all firewater, wastewater, runoff, and other wastes in a way that prevents
8 releases to the environment;

9 (v) If there is a release to the environment, report the identity of the foam, the quantity
10 used, the total PFAS concentration, and the form of any waste that contains PFAS chemicals that
11 is released into the environment to the state fire marshal within five (5) business days of the release;
12 and

13 (vi) Document the measures undertaken pursuant to this subsection. In investigating
14 compliance with this subsection, the attorney general, a city attorney, or a city or town solicitor
15 may request the documentation.

16 (e) A person operating a terminal after January 1, 2025, and who seeks to purchase class B
17 firefighting foam containing intentionally added PFAS for the purpose of fighting emergency class
18 B fires, may apply to the department for a temporary exemption from the restrictions on the
19 manufacture, sale, offer for sale, or distribution of class B firefighting foam for use at a terminal.
20 An exemption shall not exceed one year. The department of environmental management, in
21 consultation with the department of health, may grant an exemption under this subsection if the
22 applicant provides:

23 (1) Clear and convincing evidence that there is not a commercially available alternative
24 that:

25 (i) Does not contain intentionally added PFAS; and

26 (ii) Is capable of suppressing a large atmospheric tank fire or emergency class B fire at the
27 terminal;

28 (2) Information on the amount of class B firefighting foam containing intentionally added
29 PFAS that is annually stored, used, or released at the terminal;

30 (3) A report on the progress being made by the applicant to transition at the terminal to
31 class B firefighting foam that does not contain intentionally added PFAS; and

32 (4) An explanation of how:

33 (i) All releases of class B firefighting foam containing intentionally added PFAS shall be
34 fully contained at the terminal; and

1 (ii) Existing containment measures prevent firewater, wastewater, runoff, and other wastes
2 from being released into the environment, including into soil, groundwater, waterways, and
3 stormwater.

4 (f) Nothing in this section shall prohibit a terminal from providing class B firefighting foam
5 in the form of aid to another terminal in the event of a class B fire.

6 (g) A manufacturer of class B firefighting foam restricted under subsection (c) of this
7 section must notify, in writing, persons that sell the manufacturer's products in this state about the
8 provisions of this chapter no less than one year prior to the effective date of the restrictions.

9 (h) A manufacturer that produces, sells, or distributes a class B firefighting foam prohibited
10 under subsection (c) of this section shall recall the product and reimburse the retailer or any other
11 purchaser for the product by March 1, 2025, and shall reimburse the retailer or any other purchaser
12 for the product. A recall of the product shall include safe transport and storage and documentation
13 of the amount and storage location of the PFAS-containing firefighting foam, until the department
14 formally identifies a safe disposal technology. The manufacturer shall provide this documentation
15 to the attorney general, or city or town solicitor upon request.

16 (i) The department may request a certificate of compliance from a manufacturer of class B
17 firefighting foam, or firefighting personal protective equipment sold in this state. A certificate of
18 compliance attests that a manufacturer's product or products meets the requirements of this chapter.
19 If the department requests such a certificate, the manufacturer shall provide the certificate within
20 thirty (30) calendar days after the request is made.

21 (j) The department shall assist state agencies, fire protection districts, and other local
22 governments to avoid purchasing or using class B firefighting foams to which PFAS chemicals
23 have been intentionally added.

24 (k) A manufacturer of class B firefighting foam in violation of this chapter is subject to a
25 civil penalty not to exceed five thousand dollars (\$5,000) for each violation in the case of a first
26 offense. Manufacturers, local governments, or persons that are repeat violators are subject to a civil
27 penalty not to exceed ten thousand dollars (\$10,000) for each repeat offense.

28 (l)(1) Beginning January 1, 2025, a manufacturer or other person that sells firefighting
29 personal protective equipment to any person, local government, or state agency must provide
30 written notice to the purchaser at the time of sale if the firefighting personal protective equipment
31 contains any PFAS. The written notice must include a statement that the firefighting personal
32 protective equipment contains PFAS chemicals and the reason PFAS chemicals are added to the
33 equipment.

34 (2) Beginning January 1, 2027, a manufacturer or other person that sells firefighting

1 personal protective equipment to any person, local government, or state agency shall not
2 manufacture, knowingly sell, offer for sale, distribute for sale or distribute for use in the state any
3 firefighting personal protective equipment containing intentionally-added PFAS.

4 (m) The department shall assist state agencies, fire protection districts, and other local
5 governments to give priority and preference to the purchase of firefighting personal protective
6 equipment that does not contain PFAS.

7 (n) The manufacturer or person selling firefighting personal protective equipment and the
8 purchaser of the equipment must retain the notice on file for at least three (3) years from the date
9 of the transaction. Upon the request of the department, a person, manufacturer, or purchaser must
10 furnish the notice, or written copies, and associated sales documentation to the department within
11 sixty (60) days.

12 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY -- CONSUMER PFAS BAN ACT OF 2024

1 This act would prohibit a manufacturer or other person that sells firefighting personal
2 protective equipment to a person, local government or state agency from manufacturing, knowingly
3 selling, offering for sale, distributing for sale or distributing for use in the state any firefighting
4 personal protective equipment containing intentionally-added PFAS as of January 1, 2027.

5 This act would take effect upon passage.

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