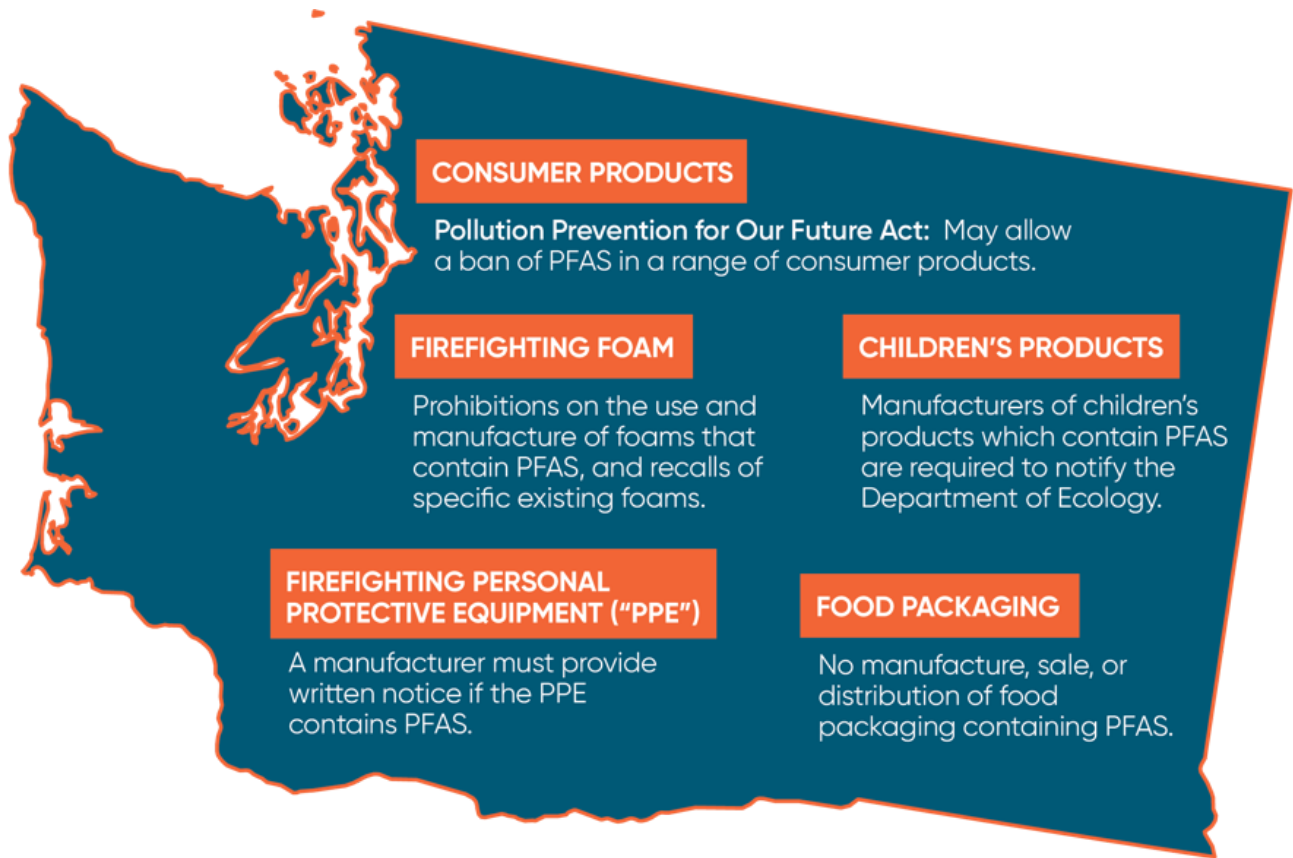


Insights

PFAS STATE SNAPSHOT: WASHINGTON PFAS REGULATION

Jan 09, 2020

Washington is one of several states that has started regulating per- and polyfluoroalkyl substances (“PFAS”) in consumer products. This client alert reflects the status of PFAS regulations in Washington as of December 30, 2019.



CONSUMER PRODUCTS

Pollution Prevention for Our Future Act: May allow a ban of PFAS in a range of consumer products.

FIREFIGHTING FOAM

Prohibitions on the use and manufacture of foams that contain PFAS, and recalls of specific existing foams.

CHILDREN'S PRODUCTS

Manufacturers of children's products which contain PFAS are required to notify the Department of Ecology.

FIREFIGHTING PERSONAL PROTECTIVE EQUIPMENT ("PPE")

A manufacturer must provide written notice if the PPE contains PFAS.

FOOD PACKAGING

No manufacture, sale, or distribution of food packaging containing PFAS.

CONSUMER PRODUCTS

Pollution Prevention for Our Future Act: Enacted in May 2019, this law is considered to be "the nation's strongest policy for regulating toxic chemicals in consumer products." It allows state agencies the authority to ban entire chemical families and require disclosure of harmful chemicals, including PFAS, in a wide range of products. Populations protected are sensitive people (i.e., children) and species (i.e., salmon). The government, and not private parties, can enforce this law, and violations are not to exceed \$5,000/day for the first offense; \$10,000/day for repeat violations.

FIREFIGHTING FOAM

A list of specified firefighting foam products cannot be used for training. Beginning on July 1, 2020, manufacturers of a specific list of firefighting foams may not manufacture, sell, or distribute foam if PFAS chemicals have been intentionally added. All listed foams manufactured before the July 1, 2020, reformulation date must be recalled. The Department of Ecology may request a certificate of compliance with the required removal of PFAS chemicals by the July 1, 2020, deadline. Violations are not to exceed \$5,000/day for the first offense; \$10,000/day for repeat violations.

CHILDREN'S PRODUCTS

Manufacturers of children's products which contain "PFOA and related substances" must notify the Department of Ecology when the concentration of PFOA and other PFAS substances exceed 100 parts per million and submit a report. Violations are not to exceed \$5,000/day for the first offense; \$10,000/day for repeat violations.

PPE

Effective July 1, 2020, "a manufacturer or other person" (i.e., retailers) must provide written notice to the purchaser at the time of sale if the PPE contains PFAS chemicals.

FOOD PACKAGING

Beginning January 1, 2022, no person may manufacture, sell, or distribute food packaging to which PFAS chemicals have been intentionally added in any amount. This prohibition may not take effect until the Department of Ecology identifies that safer alternatives are available and publishes these findings. The Department has until January 1, 2020 to accomplish that task.

Pollution Prevention for Our Future Act: <http://lawfilesexternal.leg.wa.gov/biennium/2019-20/Pdf/Bills/Senate%20Passed%20Legislature/5135-S.PL.pdf>

For more information on PFAS chemicals, and the regulatory and litigation risks that they pose, please visit our [PFAS webpage](#). If you have a question about how to manage PFAS risk in Washington, or any other jurisdiction, please contact Tom Lee, Susan Brice, or any other member of our PFAS team at Bryan Cave Leighton Paisner LLP.

RELATED PRACTICE AREAS

- PFAS Team
- Environment
- Mass Torts & Product Liability
- Food & Beverage

MEET THE TEAM



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