

California moves on PFOA with listing under Proposition 65

TÜV Rheinland LGA Products - Information

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On February 25th, 2022 the California Office of Environmental Health Hazard Assessment (OEHHA) announced adding the substance perfluorooctanoic acid (PFOA) to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (known as California Proposition 65).

The listing comes after a public notice published in the March 19th, 2021 issue of the California Regulatory Notice Register followed by a 45-day comment period.

With implementing this, California is moving closer to becoming the first US state to require a full disclosure in textiles and other products containing PFOA as well Perfluorooctane sulfonic acid (PFOS).

PFOS was added already to the California Proposition 65 list as part of the listing of "PFOS and its salts and transformation and degradation precursors" as causing cancer. For PFOS, several products (paper straws and cosmetic products) served with 60-day notices already.

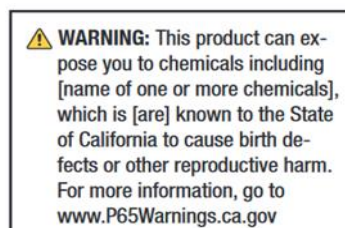
CALIFORNIA PROPOSITION 65

The Safe Drinking Water and Toxic Enforcement Act of 1986, also known as California Proposition 65, requires businesses to inform Californians of exposures to chemicals known to cause cancer, birth defects or other reproductive harm. It does not limit or prohibit substances, it is a right-to-know law for the public. The list of chemicals is updated at least annually. If a company is using one of the substances in their products sold in California, it is required to label the product with a warning.

LABELLING UNDER CALIFORNIA PROPOSITION 65

If a business is not sure if their product contains a certain chemical on the California Proposition 65 list, suspects that their product may contain a chemical on the list or that the product may expose consumers to a chemical on the list, it is required to label the product with a warning.

The labelling is composed of a symbol (an equilateral triangle with exclamation mark), followed by the word „WARNING“ and an informative text which includes the name of the substance as well as the potential hazard (e.g. “reproductive harm”).



CALIFORNIA BILL AB 1817 PFAS IN TEXTILES ARTICLES

On February 7th, 2022 the State of California has introduced Bill AB 1817 prohibiting the use of PFAS in any textiles articles that contain these substances.

PFOA belongs to the chemical group of substances called PFAS (per- and polyfluoroalkyl substances), which have been regulated more strictly in the past years.

PFAS chemicals have proven to be excellent water, stain and oil repellents. Therefore these substances have a widespread use in consumer products such as textiles, shoes and also accessories.

On global level there are several legislations restricting PFAS like PFOA, PFOS and related substances, they are regulated for example under Regulation (EU) 2019/1021 (POP) on persistent organic pollutants with different limits.

PFAS in Bill AB 1817 are defined and regulated as follows:

1. PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including the PFAS components of intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product.
2. The presence of PFAS in a product or product component at or above the practical quantitation limit, as measured in total organic fluorine.

There is currently no definition of which substances exactly belong to PFAS and also no standardized analytic test method to determine them.

The bill will foreseeable enter into force on January 1st, 2024 and will prohibit the use of PFAS.

SOURCES

California Proposition 65 - <https://oehha.ca.gov/proposition-65/proposition-65-list>

PFOA - Substance Information - ECHA (europa.eu)

AB 1817 - https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB1817

Further information on current legal changes can also be found on our homepage at www.tuv.com or <https://www.tuv.com/regulations-and-standards/en/>.

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