

A Slew of State Proposals Shows the Threat of 'Forever Chemicals'

Some chemicals can increase the risk of cancer, damage immune systems, cause metabolic disorders and decrease fertility.

March 1, 2023 By Stateline

In rivers and groundwater, in human bloodstreams and products ranging from cosmetics to food packaging to carpets, researchers are increasingly finding “forever chemicals” that don’t break down naturally and are shown to cause myriad health issues.

State lawmakers across the country want to tackle the growing problem. Several states have passed landmark laws in recent years, and now dozens of legislatures are considering hundreds of bills to crack down on using such compounds. The legislation would strengthen product disclosure laws, increase liability for polluters, bolster testing plans and enact water quality standards.

Thousands of chemicals make up the group known as perfluoroalkyl and polyfluoroalkyl substances, or PFAS. The chemicals have been found in an increasing number of watersheds and aquifers — as well as in the blood of nearly every American.

Some PFAS compounds, research shows, can increase the risk of cancer, damage immune systems, cause metabolic disorders and decrease fertility.

“There’s a lot of urgency,” said Sarah Doll, national director of Safer States, an alliance of environmental health groups focused on toxic chemicals. “I’m seeing more states try to take really big bites at managing the PFAS crisis.”

Doll’s group has tracked more than 260 proposals in 31 states related to toxic chemicals, many focused on PFAS. Eleven of those states will consider sweeping restrictions or bans of PFAS across many economic sectors. Those bills follow a Maine law passed in 2021 that was the first in the country to ban PFAS in all new products, which will take effect in 2030.

“We’ve got a problem in this state, and we’ve got to address it,” said Minnesota state Rep. Jeff Brand, a Democrat who has sponsored a bill that would ban products with intentionally added PFAS by 2025. “We’ve got to do all of these things at once. Every time somebody goes to the store and buys something of this nature, they’re inadvertently putting this stuff into their bodies.”

Brand's bill covers a wide swath of products and would take effect Jan. 1, 2025. Minnesota settled a lawsuit with the 3M Company in 2018, requiring the company to pay \$850 million for the alleged effects of its PFAS pollution on drinking water and natural resources.

According to Safer States, lawmakers in Alaska, Connecticut, Iowa, Massachusetts, Michigan, Nevada, New Jersey, New York, Rhode Island and Vermont are expected to offer proposals that would take on PFAS in products across a multitude of industries.

"If it's not in products, you don't have to worry about people being exposed to it," said Mara Herman, environmental health program manager with the National Caucus of Environmental Legislators, a forum for state lawmakers. "Turning off the tap is an area that a lot of states are focused on."

Meanwhile, some industry groups are pointing out that PFAS compounds are still essential for products ranging from medical devices to electric vehicles. They argue that only some PFAS compounds have been shown to cause harm, and that sweeping laws to ban them as a category could do serious economic damage. Some state laws include exemptions for products with no viable alternative to PFAS.

Some lawmakers are taking a narrower approach. In Washington, state Rep. Sharlett Mena, a Democrat, has sponsored a bill that would ban certain chemicals — including PFAS — from cosmetic products.

"We have safer products, so we shouldn't be putting these harmful things in cosmetics we use every day," she said. "There's a simple level of trust that when we pick something out at the store, it's vetted and safe to use."

Washington lawmakers passed a bill last year instructing the state Department of Ecology to issue restrictions on PFAS by 2025. Mena, who works as an employee for the agency, said it was crucial to take on a broad range of harmful chemicals, which have been found disproportionately in cosmetic products marketed to people of color.

Another 12 states will consider bills related to chemicals in cosmetics, according to Safer States. Lawmakers in 19 states will likely introduce proposals to eliminate harmful chemicals and plastics from packaging, and in 11 states have floated bills related to PFAS in food contact materials.

"The policies that have the most momentum are [banning PFAS in] personal care products and food packaging," Doll said.

Meanwhile, legislators in eight states have proposals to restrict or require disclosure of PFAS in menstrual products, following the settlement of a class-action lawsuit against period underwear brand Thinx over claims that its products contained the chemicals.

Some other states will consider bans on PFAS in firefighting foam, a notorious cause of contamination that many states have moved to address in recent years. Other bills focus on

textiles, hydraulic fracturing fluid, ski wax, recyclables and disclosure requirements.

Lawmakers say product bans are just the start. Some states are working on policies related to testing, cleanup, water quality standards and accountability. Other officials say those will have to wait until future legislative sessions.

“We have to address the tap first,” said Brand, the Minnesota legislator. “Right now, the tap is on, and it’s overflowing the bathtub.”

According to Safer States, lawmakers in 11 states are crafting bills related to water quality testing and disclosure, including a proposal in Maine that would require testing of bottled water. At least four state legislatures are expected to look at bills to create PFAS standards for drinking water, groundwater and/or surface water. And 10 states are considering proposals to fund PFAS cleanup efforts.

“Putting standards in place will then at least give states something to go off of if they’re over a certain amount for a particular PFAS compound,” said Herman, with the environmental lawmakers group.

Eliminating PFAS from drinking water sources alone will cost about \$400 billion, [Politico reported](#) last year.

Meanwhile, lawmakers in seven states are drafting bills related to PFAS lawsuits. Such bills would increase liability for manufacturers, extend the statute of limitations or hold companies responsible for the medical monitoring costs of residents in polluted communities. Advocates say states are following the lead of Vermont, which passed a law last year establishing the medical monitoring right for its residents.

This article was originally published by [Stateline](#), an initiative of The Pew Charitable Trusts, on February 17, 2023. It is republished with permission.