

More States Ban PFAS, or ‘Forever Chemicals,’ in More Products

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Legislative momentum against PFAS has surged this year, as at least 11 states [enacted laws](#) to restrict the use of “forever chemicals” in everyday consumer products or professional firefighting foam.

The legislation includes bans on PFAS in apparel, cleaning products, cookware, and cosmetic and menstrual products. Meanwhile, lawmakers in some states also passed measures that require industries to pay for testing or cleanup; order companies to disclose the use of PFAS in their products; and mandate or encourage the development of PFAS alternatives, according to Safer States, an alliance of environmental health groups focused on toxic chemicals.

In total this year, [at least 16 states adopted 22 PFAS-related measures](#), according to the group. Since 2007, 30 states have approved [155 PFAS policies](#), the vast majority of them in the past five years.

The thousands of chemicals categorized as perfluoroalkyl and polyfluoroalkyl substances, or PFAS, do not naturally break down and are found in the blood of 97% of Americans. Some PFAS compounds can harm the immune system, increase cancer risks and decrease fertility.

Earlier this year, the U.S. Environmental Protection Agency released new standards limiting PFAS in drinking water. Water systems have five years to comply with the rules. Even before the EPA action, [11 states](#) had set their own limits on PFAS in drinking water, starting with New Jersey in 2018.

Water utilities and chemical manufacturers are [challenging the new EPA standards](#). But states also are heading to the courthouse: So far, [30 states have sued](#) PFAS manufacturers or key users for contaminating water supplies and other natural resources, according to Safer States.

“Over the past two decades, the knowledge of PFAS health effects has really exploded,” Jamie DeWitt, a professor of environmental molecular toxicology at Oregon State University, told Stateline.

“We now know that they’re linked with different types of cancer, suppression of the vaccine antibody response, liver damage, elevated cholesterol and developmental effects,” said DeWitt, who is also director of the university’s Environmental Health Sciences Center.

But the chemical industry and some companies that use PFAS in their products argue that states are going too far. PFAS compounds have properties that make them nonstick, stain-repellent, waterproof or fire-resistant. In addition to being used in everyday consumer goods, they are critical to renewable energy, health care and electronics, defenders say.

“PFAS are a diverse universe of chemistries. They have differing health and environmental profiles. It is not scientifically accurate or appropriate to treat all PFAS the same,” Tom Flanagan, a spokesperson from the American Chemistry Council, told Stateline in an email.

“Consumers should also know that PFAS chemistries in commerce today have been reviewed by regulators before introduction, are subject to ongoing review, and are supported by a robust body of health and safety data.”

In California, which has enacted 19 PFAS-related laws since 2007, the state Chamber of Commerce “opposes any blanket ban on all commercial products containing PFAS,” according to Adam Regele, vice president of advocacy and strategic partnerships. There are more than 15,000 chemicals in the PFAS category, Regele said, and there aren’t viable alternatives for all of them.

Scott Whitaker, president and CEO of AdvaMed, a trade association representing medical technology companies, [told a congressional committee](#) last year that “it is hard to imagine the medical industry without the many important products that contain fluoropolymers,” a type of PFAS. Whitaker noted that CPAP machines, prosthetics, IV bags, surgical instruments and many other medical products contain PFAS.

The semiconductor industry also has [expressed concern](#) about far-reaching bans on PFAS, which it uses to manufacture computer chips. It wants exceptions to the new rules as well as time to develop alternatives.

But Sarah Doll, national director of Safer States, said one reason states have been so successful in enacting PFAS limits is that more companies are willing to stop using the chemicals.

“When California restricted PFAS in textiles, all of a sudden you saw companies like REI saying, ‘We can, we’re going to do that. We’re going to move to alternatives,’” Doll said.

In Vermont, state lawmakers in April [unanimously approved](#) a [measure](#) banning the manufacture and sale of PFAS in cosmetics, menstrual products, incontinence products, artificial turf, textiles and cookware.

“The same as everyone else, like Democrats, we want to make sure that we remove PFAS and get it out of products as soon as we can,” said Vermont Republican state Rep. Michael Marcotte, who said his district includes cosmetics manufacturer Rozelle Cosmetics, in Westfield.

Democratic state Sen. Virginia Lyons, the chief sponsor of the Vermont bill, said it is particularly important to get PFAS out of products that are essential to consumers.

“There are some consumer products where you can say, ‘I don’t need to buy that, because I don’t want PFAS,’” Lyons said. “But it’s really tough to say that [about] a menstrual product.”

California’s [latest PFAS measure](#), which Democratic Gov. Gavin Newsom signed last month, specifically bans the use of PFAS in menstrual products. Democratic Assemblymember Diane Papan, the author of the bill, said it was particularly strong because it covers both intentional and unintentional uses of PFAS, so “manufacturers will have to really be careful about what comes in their supply chain.”

While more states enact laws focused on specific products, Maine is preparing to implement the world’s first PFAS ban covering all consumer goods. The Maine law, which is scheduled to take effect in 2030, will include exceptions for “essential” products for which PFAS-free alternatives do not exist. Washington state has also taken a sweeping approach by giving regulators strict timelines to ban PFAS in many product categories.

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