

# States Implement Bans on "Intentionally Added" PFAS in Consumer Products

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Washington and New Jersey have passed regulations to prohibit per- and polyfluoroalkyl substances (PFAS) in consumer products. Washington's Safer Products for Washington Program will eventually ban certain consumer products with "intentionally added" PFAS. Starting on January 1, 2026, manufacturers must report the intentional use of PFAS in certain product categories such as footwear, hard surface cleaners, and cookware and kitchen supplies. Similarly, New Jersey's regulation, which takes effect in 2028, will restrict the sale of intentionally added PFAS in consumer products and require labeling for consumer-grade cookware containing PFAS.

These states are not the first to implement regulations targeting consumer products with intentionally added PFAS. Maine, Minnesota, and New Mexico have also developed regulations to phase out intentionally added PFAS in consumer products. These regulations broadly define "intentionally added" to mean PFAS that a manufacturer deliberately adds to a product or component. The definition of what constitutes "intentionally added," however, remains largely undefined. The regulations contain slow transition periods to allow for manufacturers to phase out high risk products and coordinate with their suppliers to eliminate intentionally added PFAS in their products before bans begin. These states aim to have a general prohibition on products with intentionally added PFAS by 2032. Each regulation also contains exemptions, such as those for products whose PFAS is considered a currently unavoidable use (CUU). CUU exemptions are typically reserved for products designated by the state as essential for the health and safety of society and for which no alternatives are reasonably available.

## **Maine—38 M.R.S. § 1614**

Maine's regulation, 38 M.R.S. § 1614, is widely considered to be the nation's most expansive PFAS product law. Maine also enacted Chapter 90, which the Maine Department of Environmental Protection's (DEP) regulatory rule to implement 38 M.R.S. § 1614. Beginning on January 1, 2026, cleaning products, cookware, cosmetic products, juvenile products, and several other product categories with intentionally added PFAS are banned. The regulation continues to phase out intentionally added PFAS; by 2032, any product containing intentionally added PFAS sold in Maine will be banned unless the use of PFAS in the product is deemed a currently unavoidable use by the DEP. Notably, the regulation contains significant exemptions for products such as motor vehicles, equipment and materials used in manufacturing, and medical devices and products regulated by the US Food and Drug Administration.

## **Minnesota—Amara's Law**

Minnesota's ban, Amara's Law, prohibits the sale of products with intentionally added PFAS in 11 specific categories starting January 1, 2025, with broader prohibitions planned for all products by 2032. Similar to Maine's regulation, Minnesota manufacturers can apply for currently unavoidable use exemptions for critical components where no alternative exists. Manufacturers are also required to report intentionally added PFAS in products they currently sell, with initial reporting due July 1, 2026. After July 1, 2026, Manufacturers must submit subsequent reports each February for products containing intentionally added PFAS. Notably, Maine's regulation places reporting responsibilities on manufacturers who sell a final product, even if a supplier actually manufactures the PFAS-containing component.

## **New Mexico—PFAS Protection Act and Proposed Rule**

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New Mexico enacted the PFAS Protection Act in April 2025 and is currently in rulemaking process for an additional regulation set to take effect in July 2026. The Act prohibits products with intentionally added PFAS such as cookware, food packaging, cleaning products, and juvenile products in 2027, with additional products banned in 2028 and a general prohibition taking place in 2032. New Mexico also requires manufacturers to report information related to products containing intentionally added PFAS by 2027. New Mexico's Proposed Rule differs from the current regulations seen in Maine and Minnesota, as it aims to create extensive labeling requirements and clarify the process to request a currently unavoidable use exemption. Under the Proposed Rule and beginning in 2027, a manufacturer will not be able to sell, offer for sale, or distribute for sale product containing intentionally added PFAS unless the manufacturer labels the product or documents that the product is labeled in a manner consistent with another state's labeling requirements.

## Conclusion

States are beginning to implement stringent PFAS regulations specifically aimed at phasing out consumer products with intentionally added PFAS. To ensure compliance when these regulations take effect, companies selling or distributing consumer products should review their product lines and supply chains. Moreover, they should continue to track exemptions to these regulations, as their products may qualify as a currently unavoidable use or another exemption specifically carved out by a state's legislature.