

PFAS Guidance for Manufacturers, Suppliers, and Distributors

November 2023

1. [Overview](#)

Vermont law 18 V.S.A. § 1671-1695 prohibits manufacturers, suppliers, and distributors from the manufacture, sale, offer for sale, distribution for sale, or distribution for use of food packaging, residential carpets and rugs, aftermarket stain and water-resistant treatments, and ski wax and related tuning products with per- and polyfluoroalkyl substances (PFAS) intentionally added to them. The prohibition is effective beginning July 1, 2023. This prohibition does not apply to the sale or resale of used products.

This serves as a guide to assist in understanding these restrictions and to what products these restrictions apply.

Definitions

As defined in 18 V.S.A. §§ 1661, 1671, 1681, and 1691:

- **Perfluoroalkyl and polyfluoroalkyl substances or PFAS** means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.
- **Food package or food packaging** means a package or packaging component that is intended for direct food contact.
- **Intentionally added** means the addition of a chemical in a product that serves an intended function in the product component.
- **Package** means a container providing a means of marketing, protecting, or handling a product and shall include a unit package, an intermediate package, and a shipping container. It also means unsealed receptacles, such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.
- **Packaging component** means an individual assembled part of a package, such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels, and disposable gloves used in commercial or institutional food service.
- **Aftermarket stain and water resistant treatments** means treatments for textile and leather consumer products used in residential settings that have been treated during the manufacturing process for stain, oil, and water resistance but excludes products marketed or sold exclusively for use at industrial facilities during the manufacture of a carpet, rug, clothing, or shoe.
- **Rug or carpet** means a thick fabric used to cover floors.
- **Ski wax** means a lubricant applied to the bottom of snow runners, including skis and snowboards, to improve their grip and glide properties.

2. [FAQ on 18 V.S.A. § 1672 Food packaging:](#)

A. What types of packaging are prohibited by law?

Food packaging items sold, offered for sale, distributed for sale, or distributed for use within the state of Vermont that contain intentionally added PFAS are subject to the prohibition. This prohibition does not mean that all food packaging will be free of PFAS content. The prohibition is not limited to paper-based food packaging. The prohibition applies to food packaging components that are intended for direct contact with food.

B. Who needs to comply with the law?

Manufacturers, distributors, and suppliers of food packaging or food packaging components sold, offered for sale, distributed for sale, or distributed for use in Vermont need to comply.

C. How can I assess whether my product is covered under the law?

In addition to the below information, please see the flow chart on page 5 which is intended to assist in making these determinations.

The manufacturer is likely most knowledgeable as to whether the food packaging contains intentionally added PFAS. For suppliers and distributors, anyone purchasing food packaging for sale or distribution may wish to consult with the manufacturer to confirm that PFAS is not intentionally added to the product, and/or request full disclosure of materials used in the manufacture of the product. Suppliers and distributors also could check whether the manufacturer has tested the material for PFAS and request those results.

Several non-target and target methods are available to test for PFAS. Either non-target methods or a combination of both non-target and target could be used in order to capture any PFAS in the product, as a measure of total fluorine, total organic fluorine, or extractable organic fluorine. Selecting the most appropriate method for your product with the lowest limit of detection is recommended.

Current commercially available non-target methods include but are not limited to:

- Combustion ion chromatography (CIC)
- Particle Induced Gamma - ray Emission (PIGE) spectroscopy
- Total Oxidizable Precursor (TOP) assay

Testing may provide information to confirm whether a fluorine result is inorganic (which are not PFAS).

D. Is food packaging subject to prohibition if the part of the food packaging containing PFAS is not in direct contact with food?

The prohibition only applies to parts of the packaging that are intended to directly touch the food. For example, for canned foods and beverages, parts of the can that are not intended to directly touch the food, such as the outsides of the can, would not be included.

E. Other food packaging resources (external links)

- [Purchasing Recommendations for Sustainable Food Service Ware](#) – The nonprofit Center for Environmental Health developed a procurement toolkit to assist with selection of safer alternatives for single-use food service ware in institutional settings.
- [Foam Container, Void Fill and Protective Packaging Alternatives Guide](#) - New York State Center for Sustainable Materials Management developed this guide to assist with determining safer alternatives to EPS foam containers and void fill. It also provides guidance that can be used to purchase food packaging that avoids the use of PFAS.
- NY DEC Guidance- [PFAS in Food Packaging - NYS Dept. of Environmental Conservation](#)
- WA ECY Guidance- [Guide for Plant Fiber–Based Food Packaging Manufacturers \(wa.gov\)](#)

3. [FAQ on 18 V.S.A. § 1682 Rugs and Carpets; 18 V.S.A. § 1683 Aftermarket Stain and Water Resistant Treatments:](#)

A. What types of items are prohibited by law?

Residential rugs and carpets and aftermarket stain or water resistant treatments for rugs and carpets sold, offered for sale, distributed for sale, or distributed for use within the state of Vermont that contain intentionally added PFAS are prohibited.

B. Who needs to comply with the law?

Manufacturers, distributors, and suppliers of rugs and carpets and aftermarket stain or water resistant treatments for rugs and carpets sold, offered for sale, distributed for sale, or distributed for use in Vermont need to comply.

C. How are products determined as covered under the law?

In addition to considering the information contained in section 2(c) above, please see the flow chart on page 6 which is intended to assist in making these determinations.

D. Other resources (external links):

[Potential Alternatives to PFASs in Carpets and Rugs](#): California's Department of Toxic Substance Control Safer Consumer Product Program developed a non-exhaustive list of PFAS alternatives used in Carpets and Rugs, though they are not endorsing these listings as safer alternatives.

4. [FAQ on 18 V.S.A. § 1692. Ski Wax](#):

A. What types of items are prohibited by law?

Ski wax or related tuning products sold, offered for sale, distributed for sale, or distributed for use within the state of Vermont that contain intentionally added PFAS are prohibited.

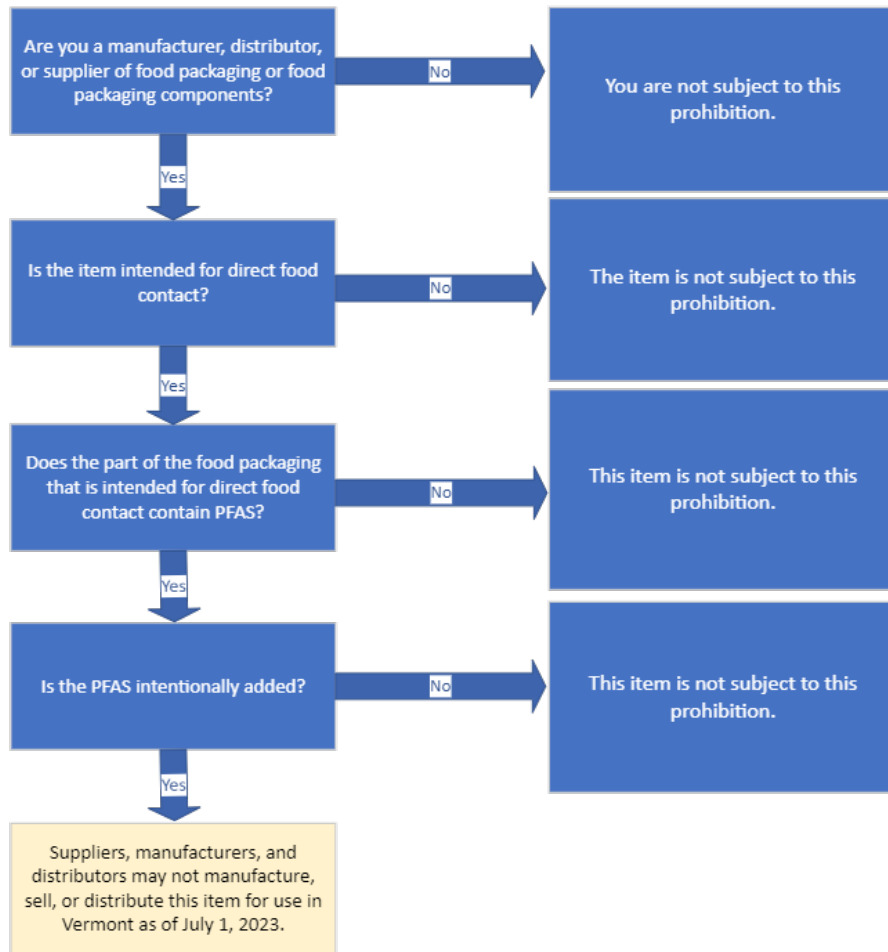
B. Who needs to comply with the law?

Manufacturers, distributors, and suppliers of ski wax or related tuning products sold, offered for sale, distributed for sale, or distributed for use in Vermont need to comply.

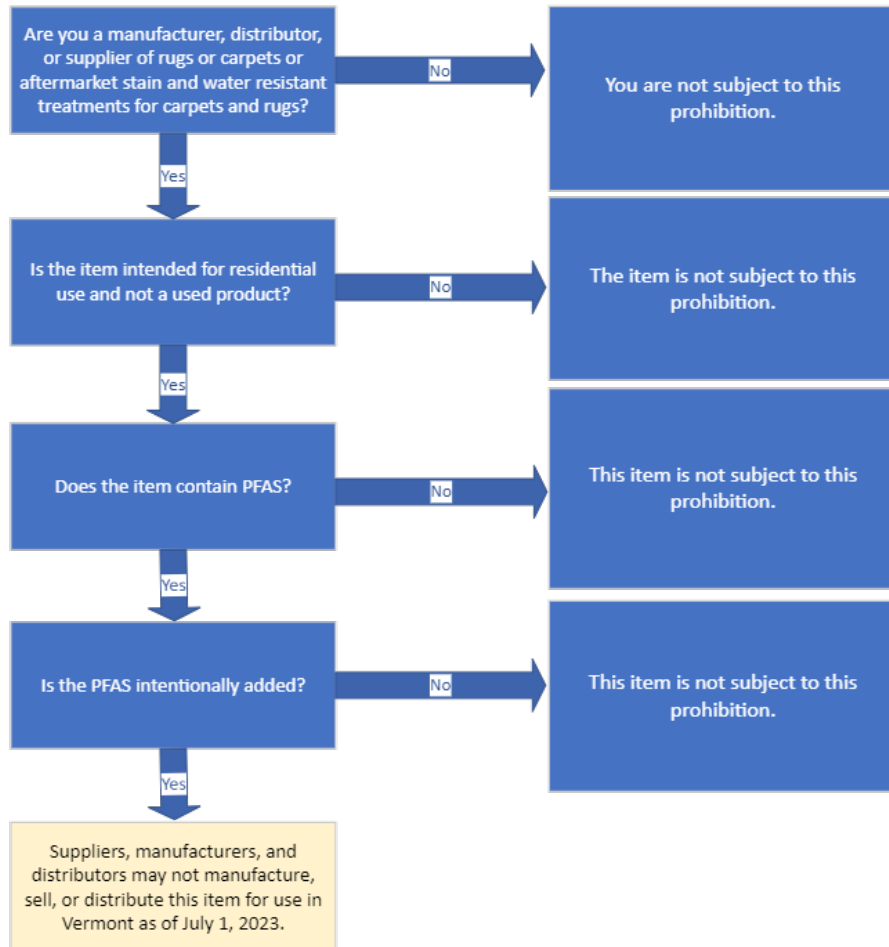
C. How can I assess whether my product is covered under the law?

In addition to considering the information contained in section 2(c) above, please see the flow chart on page 7 which is intended to assist in making these determinations.

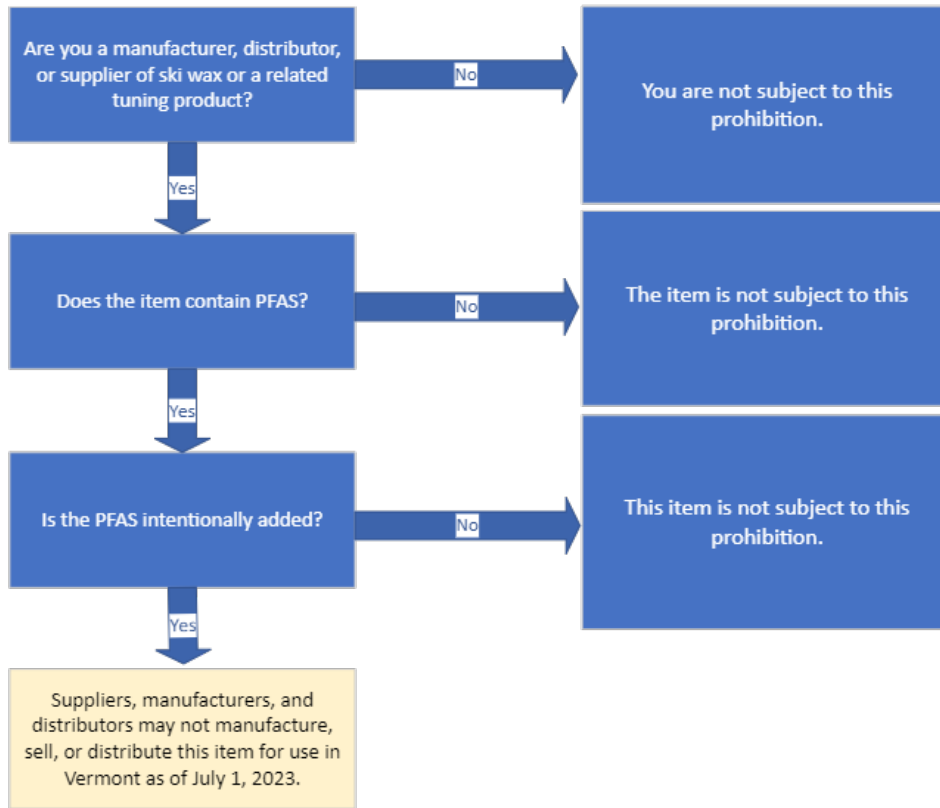
Decision flow chart for PFAS in food packaging prohibition:



Decision flow chart for PFAS in rugs, carpets, and aftermarket stain and water resistant treatment prohibition:



Decision flow chart for PFAS in ski wax prohibition:



5. General FAQs

A. What does “intentionally added” mean?

“Intentionally added” means “the addition of a chemical in a product that serves an intended function in the product component.”

B. If a product is subject to this prohibition how can these products be disposed?

Per the Vermont Department of Environmental Conservation, recyclable food packaging items (i.e., paper, boxboard, plastic containers, etc.) containing PFAS can be recycled. Unrecyclable and compostable food packaging can be disposed of in the trash. Liquid wastes containing concentrations of PFOA and PFOS at or above 20 parts per trillion are subject to state regulations for hazardous waste. Please contact the Department of Environmental Conservation Hazardous Waste Management Section for more information on disposal. Small amounts of liquid PFAS waste that do not qualify as hazardous waste, but would be considered "covered household hazardous waste" under 10 VSA Chapter 164B Sec. 7181(4)(A), can be brought to municipal household hazardous waste collection events or facilities. Covered household hazardous waste is banned from disposal in trash and landfills after July 1, 2025. Find household hazardous waste collection services by contacting your local solid waste management entity (district or town) at www.802recycles.com.

C. How does a manufacturer, distributor, or supplier demonstrate compliance and how are these requirements enforced?

The Vermont Attorney General may request a certificate of compliance from manufacturers. Enforcement is conducted by the Attorney General’s Office.

6. Contact Information

For general questions about enforcement, contact the Vermont Attorney General’s Office via email at AGO.Info@vermont.gov or by telephone at (802) 828-3171.

For technical questions, contact the Vermont Department of Health via email at AHS.VDHEntirementalHealth@vermont.gov or by telephone at (800) 439-8550.