

**Draft**  
**05/02/23**  
**PFAS PREVENTION MODEL ACT**

**Prepared by the Northeast Waste Management Officials' Association (NEWMOA)**

## **Introduction**

In September 2022, the Northeast Waste Management Officials' Association (NEWMOA) Board of Directors approved an initiative for the Association to prepare model legislation for advancing reduction of the use of polyfluoroalkyl substances, commonly called PFAS. The intent of this document is to help address NEWMOA's overarching goal of the "virtual elimination of the environmental releases of PFAS into the environment." Therefore, NEWMOA intentionally designed this draft model legislation as a comprehensive package of provisions.

A committee made up of jurisdiction agency representatives and facilitated by NEWMOA drafted this model legislation. The Draft Model Legislation does not necessarily represent the views of individual Workgroup members or the Agencies they represent, nor is NEWMOA taking an official position regarding the legislation.

The goals of this initiative are to:

- Reduce/eliminate the use of PFAS in consumer products to the extent feasible.
- Identify and implement source reduction programs.
- Ensure that the substitutes for PFAS in products are safer and that there are no regrettable substitutes.
- Coordinate product disclosure, labeling, bans, phase-outs, source reduction, and end-of-life collection on a multi-jurisdiction basis.
- Help consumers identify products containing PFAS and learn how to properly handle them.
- Provide regulated entities with regulatory certainty.

The overarching principles that inform this model aim to:

- Aspire to a marketplace of PFAS-free products made from safe and healthy chemical ingredients.
- Eliminate non-essential uses of PFAS and promote safer alternatives.
- Reinforce the fundamental right to know by all stakeholders about the PFAS chemicals in products.
- Disclose all intentionally added PFAS ingredients, including PFAS that may be added to products through manufacturing, processing, or storage (note: disclosure is the sharing of chemical ingredient information with the public and across supply chains and is critical to promoting the use of safer chemicals and products).
- Make accurate PFAS ingredient information easily accessible to consumers, government agencies, manufacturers, brands, retailers, and others in the supply chain.

As part of the regional effort to implement these recommendations, NEWMOA has drafted this discussion document in the form of model legislation (see below).

As a synthesis of numerous complementary approaches, the model provides a comprehensive framework to help jurisdictions develop more consistent approaches to addressing PFAS and PFAS-containing products. Similar regional approaches have been proven successful in other areas, particularly the jurisdiction's experience with toxics in packaging legislation passed starting in the early 1990s, mercury in production legislation passed starting in the early 2000s, and other bills related to high priority chemicals of concern passed throughout the 2000s. By sharing their experiences and expertise the jurisdiction agencies will avoid duplication of efforts and research, thereby saving time and money. Product manufacturers will also benefit from having more consistent requirements throughout the region and nationally.

This document presents a menu of policy options for state policy makers to consider. The draft model includes provisions and concepts that reflect current efforts to reduce PFAS use and minimize PFAS releases. The designers do not view the model as a set of provisions that must all be enacted together or at the same time. The model is designed to present a flexible set of concepts/options from which the jurisdiction policy makers can choose those that meet their jurisdictional priorities. However, it is important that jurisdictions implement their efforts as consistently as possible for each option implemented.

NEWMOA developed this document and included policy concepts for consideration by the jurisdictions in the Northeast. These concepts may also be useful as models for other jurisdictions and for efforts at the national level.

Most of the elements in the model have already been included in jurisdiction legislation and regulations addressing PFAS and/or other contaminants adopted or proposed in one or more jurisdictions. The following provides a guide to the jurisdictions that have proposed or passed legislation, as of March 2023, containing the noted sections of the draft bill (note sections 1-3 are common elements of such legislation, such as definitions):

- |           |   |
|-----------|---|
| Section 4 | <b>Interstate Clearinghouse:</b> Modeled after the <a href="#">Toxics in Packaging Clearinghouse</a> (TPCH) enacted laws in 19 states, the <a href="#">Interstate Mercury Education and Reduction Clearinghouse</a> (IMERC) and the <a href="#">Interstate Chemicals Clearinghouse</a> (IC2). |
| Section 5 | <b>Notification:</b> Modeled after mercury reduction legislation enacted in CT, LA, ME, MA, NH, NY, RI, and VT and the ME DEP PFAS law.   |
| Section 6 | <b>Restrictions on Sale of PFAS-added Products:</b> Modeled after the <a href="#">Toxics in Packaging Clearinghouse</a> (TPCH) enacted or proposed and mercury reduction legislation product bans and phaseouts enacted by many states.   |
| Section 8 | <b>Labeling of PFAS-added Products:</b> Modeled after mercury labeling legislation enacted in CT, LA, ME, MA, MN, NH, RI, and VT.   |
| Section 9 | <b>Producer Responsibility for PFAS containing products:</b> Modeled after other Extended Producer Responsibility (EPR) laws.   |

## **Stakeholder Review**

This Discussion Document was released to stakeholders via the web ([www.newmoa.org](http://www.newmoa.org)) on May 2, 2023 for a 60-day comment period ending on July 1, 2023. NEWMOA held a national webinar to share a draft of the model legislation with representatives of various stakeholder groups, including manufacturers, trade associations, environmental organizations, local and state government agencies, solid waste management firms, community groups, and others on May 10, 2023.

DRAFT

1   **Section 1. An Act Concerning PFAS Reduction and Education**

2  
3   **Section 2. The legislature finds and declares that:**

- 4
- 5   a. Perfluoroalkyl and polyfluoroalkyl substances, or PFAS, are a persistent and toxic class  
6   of pollutants that bioaccumulate in the environment.
- 7
- 8   b. Contamination of soil and water in the jurisdiction from PFAS poses a significant threat  
9   to the environment of the jurisdiction and to the health of its citizens.
- 10
- 11   c. Jurisdiction public health and environmental authorities in the Northeast and elsewhere  
12   have established standards and advisories ranging from 5.1 ppt to 140,000 ppt for  
13   targeted PFAS compounds in drinking water. The United States Environmental  
14   Protection Agency has published interim health advisories for PFAS compounds ranging  
15   from 0.004 ppt to 2000 ppt for targeted compounds in drinking water. Adverse health  
16   effects associated with PFAS include kidney and liver damage, decreased immune system  
17   function, interference with vaccine update, developmental and reproductive harm,  
18   increased risk of asthma, increases in cholesterol levels, increased thyroid disorders and  
19   other hormone disruption and increased incidences of testicular and kidney cancer for  
20   those with high exposure.
- 21
- 22   d. The extent of PFAS contamination in the States is widespread and is requiring a  
23   significant expenditure of resources to address.
- 24
- 25   e. PFAS have been and continue to be utilized in a broad range of products for their water  
26   and stain resistant properties, including clothing and other textiles, packaging, food ware,  
27   cleaning products, cosmetics and other personal care products, class B firefighting foam,  
28   surface waxes, ski wax, and much more despite the growing body of evidence that these  
29   materials may leach into food, water supplies, and even the human body through  
30   prolonged exposures. PFAS from these sources can contaminate drinking water and the  
31   environment in multiple ways, including through washing, disposal in landfills, and  
32   incineration, in addition to impacts on workers and communities in manufacturing  
33   locations and global circulation of these persistent chemicals.
- 34
- 35   f. To address the imminent threat of further contamination of soil and water in the  
36   Jurisdiction, it is imperative to collect information regarding the use of PFAS in products  
37   and to phase out the sale of certain products containing PFAS.
- 38
- 39   g. Exposure to products that contain PFAS compounds and associated environmental  
40   releases poses a significant public health threat.
- 41
- 42   h. Because of this threat, all of the Northeastern and many outside of the region jurisdictions  
43   have been conducting widespread monitoring of drinking water, landfill leachate,  
44   wastewater, stormwater, surface water, groundwater, biosolids and other environmental

45 media for targeted PFAS compounds, and, if found at levels above regulatory standards  
46 or acceptable risk levels, and are, taking steps to mitigate the risks by providing  
47 alternative drinking water sources, installing treatment systems, and remediating  
48 contamination. All of these measures are expensive and place a heavy burden on  
49 municipal and state governments.

- 50
- 51 i. PFAS in consumer products are a major source of PFAS contamination in the Northeast  
52 and elsewhere.
  - 53 j. Removal of PFAS containing products from the waste stream prior to sale and use is an  
54 effective way to reduce PFAS at waste management and other facilities.
  - 55 k. Manufacturers of certain PFAS-added products have been successfully researching and  
56 identifying safer alternatives and phasing in those uses and phasing out those that contain  
57 PFAS.
  - 58 l. A visible label on the product and/or its packaging increases effective consumer  
59 education, encourages informed purchasing, and bolsters participation in programs  
60 designed to separate, collect, and properly manage or recycle PFAS-added products.
  - 61 m. Jurisdiction procurement of environmentally responsible products can improve the  
62 markets for non-PFAS-added products.
  - 63 n. The intent of this Act is to achieve significant reductions in environmental PFAS by  
64 encouraging the establishment of effective state and local source reduction, recycling,  
65 and management programs while continuing to spur economic development.
  - 66 o. In the judgment of the Legislature, these facts create an emergency within the meaning of  
67 the Constitution of [Jurisdiction] and require the following legislation as immediately  
68 necessary for the preservation of the public peace, health, and safety.

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76 **Section 3. Definitions (adapted from the mercury model legislation, Toxics in Packaging**

77 **Clearinghouse model legislation, and existing PFAS laws)**

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79 “**Alternative**” means: a substitute process, product, material, chemical, strategy, or combination  
80 of these that has been evaluated and serves a functionally equivalent purpose to a PFAS in a  
81 product that has less risk to human health or the environment than use of PFAS in the product.

82

83 “**Chemical**” means: a substance with a distinct molecular composition or a group of structurally  
84 related substances and includes the breakdown products of the substance or substances that form  
85 through decomposition, degradation, or metabolism.

86 “**Credible scientific evidence**” means: the results of a study, the experimental design and  
87 conduct of which have undergone independent scientific peer review, that are published in a  
88 peer-reviewed journal or in a publication of an authoritative federal, state, or international

89 governmental agency, including but not limited to State Environmental and Public Health  
90 Agencies; the United States Department of Health and Human Services; National Toxicology  
91 Program; Food and Drug Administration and Centers for Disease Control and Prevention; the  
92 United States Environmental Protection Agency; the World Health Organization; and the  
93 European Union, European Chemicals Agency.

94

95 **“Currently unavoidable use” means:** a use of PFAS that the [Agency] has determined by rule  
96 to be essential for health, safety, or the functioning of society for which alternatives are not  
97 reasonably available.

98

99 **“Intentionally added PFAS” means:** the PFAS added to a product or one of its product  
100 components, or PFAS or precursors added to a product during its manufacture, processing,  
101 packaging, or storage. “Intentionally added PFAS” also includes any degradation by- products of  
102 PFAS. The use of PFAS or precursors as a processing agent, mold release agent or any other  
103 source of PFAS in the product that is reasonably known to be present is considered intentional  
104 introduction for the purposes of this Act.

105

106 **“Manufacturer” means:** any person, firm, association, partnership, corporation, organization,  
107 combination, or joint venture which produces a PFAS-added product, or an importer or domestic  
108 distributor of a PFAS-added product produced in a foreign country. In the case of a multi-  
109 component PFAS-added product, the manufacturer is the last manufacturer to produce or  
110 assemble the product. If the multi-component product is produced in a foreign country, the  
111 manufacturer is the importer or domestic distributor.

112

113 **“Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means:** all members of the class  
114 of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

115

116 **“PFAS-added product” means:** (1) a product, commodity, chemical, or a product component  
117 that was manufactured after the effective date of this act; and (2) that contains PFAS  
118 intentionally added to the product, commodity, chemical, or product component. These products  
119 include formulated PFAS-added products, packaging, and fabricated PFAS-added products.

120

121 **“Precursor” means:** a chemical involved in a reaction that produces a PFAS compound.

122

123 **“Product” means:** an item manufactured, assembled, packaged, or otherwise prepared for sale  
124 to consumers, including its product components, sold, or distributed for personal, residential,  
125 commercial, or industrial use, including for use in making other products.

126

127 **“Product component” means:** an identifiable component of a product, regardless of whether  
128 the manufacturer of the product is the manufacturer of the component.

129

130 **“Retailer” means:** a person who sells a PFAS-added product in the Jurisdiction through any  
131 means, including a sales outlet, a catalogue, the telephone, the Internet, or any electronic means.

133   **Section 4. Interjurisdiction Clearinghouse**

- 134
- 135   a. The [agency] is authorized to participate in the establishment and implementation of a  
136   multi-jurisdiction clearinghouse to assist in carrying out the requirements of this Act and  
137   to help coordinate collection and reviews of the manufacturers' notifications regarding  
138   PFAS-added products, applications for phase-out exemptions, the collection system  
139   plans, applications for alternative labeling/notification systems, education and outreach  
140   activities, and any other related functions. The clearinghouse may also maintain a  
141   database of all products containing PFAS, including PFAS-added products; a file on all  
142   exemptions granted by the participating jurisdictions; a file on alternative labeling plans;  
143   and a file of all the manufacturers reports on the effectiveness of their collection systems.  
144
- 145   b. Public disclosure of confidential business information submitted to the [agency] pursuant  
146   to this section shall be governed by the requirements of the [jurisdiction's freedom of  
147   information act]. Notwithstanding the requirements of the [jurisdiction's freedom of  
148   information act] the jurisdiction may provide the interjurisdiction clearinghouse with  
149   copies of such information and the [agency] interjurisdiction clearinghouse may compile  
150   or publish analyses or summaries of such information provided that the analyses or  
151   summaries do not identify any manufacturer or reveal any confidential information.  
152

153   **Section 5. Notification**

154

155   A manufacturer of a product for sale in the [Jurisdiction] that contains intentionally added PFAS  
156   shall comply with the requirements of this subsection.

- 157
- 158   a. After two years from the effective date of this Act no PFAS-added product shall be offered  
159   for final sale, use, or distribution for promotional purposes in [Jurisdiction] without prior  
160   notification in writing by the manufacturer of the product to the [agency] in accordance with  
161   the requirements of this section. Such notification shall at a minimum include:  
162
- 163       i. A brief description of the product to be offered for sale, used, or distributed.  
164
- 165       ii. The purpose for which PFAS are used in the products or packaging, including any  
166       product or packaging components.  
167
- 168       iii. The amount of each of the PFAS or subgroups as defined by the regulatory  
169       agency, identified by name and all relevant chemical abstract service (CAS)  
170       registry numbers, in the product or packaging, reported as an exact quantity  
171       determined using available analytical methods or as falling within a range  
172       approved for reporting purposes by the [agency] in each unit of the product or  
173       packaging.  
174

- 175                  iv. The total amount of intentionally added PFAS contained in all products  
176                  manufactured by the manufacturer and distributed in a year; reported every three  
177                  years.
- 178
- 179                  v. The name and address of the manufacturer, and the name, address, and phone  
180                  number of a contact person for the manufacturer.
- 181
- 182                  vi. Any additional information established by the [agency] by rule as necessary to  
183                  implement the requirements of this section.
- 184
- 185                  vii. With the approval of the [agency], a manufacturer may supply the information  
186                  required in paragraph (a) for a category or type of product rather than for each  
187                  individual product.
- 188
- 189                  b. The manufacturer shall update and revise the information in the notification whenever  
190                  there is a change in the information, when requested to do so by the [agency], or every  
191                  three years. The [agency] may define and adopt specific requirements in accordance with  
192                  [jurisdiction administrative and public participation requirements] for the content and  
193                  submission of the required notification.
- 194
- 195                  c. A person may not sell, offer for sale, or distribute for sale in the [Jurisdiction] a product  
196                  containing intentionally added PFAS if the manufacturer has failed to provide the  
197                  information required in this subsection.

198

## 199                  **Section 6. Restrictions on the Sale of Certain PFAS-added Products**

200

- 201                  a. Product ban. Within three years of the adoption of this Act, no product with PFAS-added (in  
202                  any amount) shall be offered for final sale or use or distributed for promotional purposes in  
203                  [jurisdiction] unless the [agency] has determined the addition of PFAS to be a currently  
204                  unavoidable use of PFAS pursuant to subsection (c) of this section.
- 205
- 206                  b. Inventory take back. A manufacturer subject to the restrictions contained in subsection (a) of  
207                  this section shall notify retailers of this restriction and of the takeback program contained in  
208                  Section 9.
- 209
- 210                  c. Currently unavoidable use of PFAS. Manufacturers may apply for a waiver for up to five  
211                  years to the product ban if they meet each of the following criteria. To claim exemption  
212                  under this section the manufacturer must notify the [agency], in writing, of the credible  
213                  scientific evidence addressing all elements I.-VI. below, justifying the currently unavoidable  
214                  use and provide the legal justification for the claim. The [agency] shall make a decision  
215                  considering the following criteria:
- 216                      i. Whether the product is determined to be beneficial to the environment or  
217                      protective of public health or protective of public safety, the recycling of PFAS-  
218                      added products may be determined to be an activity that is beneficial to the

environment, and

- ii. There is no technically feasible alternative that has less risk to human health or the environment to use of PFAS in the product, and
  - iii. There is no comparable non-PFAS-added product available at a reasonable cost, and
  - iv. The manufacturer is participating in a collection program for the products as required by Section 9, and
  - v. The product will be labeled in accordance with Section 8, and
  - vi. The manufacturer will continue to notify on products in accordance with Section

d. Renewal of currently unavoidable use determination. A manufacturer may apply for a renewal of a determination that the product constitutes a currently unavoidable use of PFAS in the same manner as an original application. Renewals shall not be for more than two years.

e. Federal preemption. Any PFAS-added product for which federal law governs notice in a manner that preempts jurisdiction authority shall be exempt from the requirements of this section. The manufacturer shall notify the [agency] that the product ban is preempted. If the [agency] agrees with the manufacturer's assessment, the [agency] may exempt the product under this section. A product exempt under this section shall still be required to comply with the notification requirement under Section 5 and the labelling requirement of Section 8.

#### **Section 7. Certificate of Compliance.**

- a. Upon request by the [agency], a Certificate of Compliance, or copies thereof, stating that the product is in compliance with the requirements of this Act shall be furnished by its manufacturer or supplier to the [agency].
  - b. Where compliance is achieved under any jurisdiction exemption(s) provided in Section 6, the Certificate of Compliance shall state the specific basis upon which the exemption is claimed.
  - c. The Certificate of Compliance shall be signed by an authorized official of the manufacturing or supplying company. The purchaser shall retain the Certificate of Compliance for as long as the product is in use. A copy of the Certificate of Compliance shall be kept on file by the manufacturer or supplier of the product. A manufacturer or supplier may make the Certificate of Compliance available on their company website or through an authorized representative of the company such as an interjurisdiction clearinghouse.

- 263 d. If the manufacturer or supplier of the product reformulates or creates a new product, the  
264 manufacturer or supplier shall provide an amended or new Certificate of Compliance for  
265 the reformulated or new product component to the [agency].  
266
- 267 e. If there are grounds to suspect that a product is being offered for sale in violation of this  
268 chapter, the [agency] may request that the manufacturer or distributor of the product  
269 provide a certificate of compliance with the applicable provisions of this chapter.  
270
- 271 f. Within 30 days of receipt of a request under this subsection, the manufacturer or  
272 distributor shall:  
273
- 274 i. Provide the [jurisdiction administrative agency] with the certificate attesting that  
275 the product does not contain a chemical regulated under this act; or  
276
- 277 ii. Notify persons who sell the product in this Jurisdiction that the sale of the product  
278 is prohibited and provide the [jurisdiction] with a copy of the notice and a list of  
279 the names and addresses of those notified.  
280

## 281 **Section 8. Labeling of PFAS-Added Products**

282

- 283 a. No product that has been determined to have a currently unavoidable use of PFAS may  
284 be offered for final sale, used, or used in promotional materials in the [jurisdiction] unless  
285 that product is labeled in accordance with this section.  
286
- 287 b. Where a PFAS-added product is a component of another product, the product containing  
288 the component and the component must both be labeled. The label on a product  
289 containing a PFAS-added component shall identify the component with sufficient detail  
290 so that it may be readily located for removal.  
291
- 292 c. All labels must be clearly visible prior to sale and must inform the purchaser, using words  
293 or symbols approved by the [agency], that PFAS is present in the product and that the  
294 product should be recycled in accordance with the producer responsibility program  
295 established in Section 9.  
296
- 297 d. Labels affixed to the product shall be constructed of materials that are sufficiently  
298 durable to remain legible for the useful life of the product.  
299
- 300 e. Responsibility for product and package labels required under this section shall be on the  
301 manufacturer, and not on the wholesaler or retailer unless the wholesaler or retailer  
302 agrees with the manufacturer to accept responsibility in conjunction with implementation  
303 of an alternative to the labeling requirements of this section approved under subsection  
304 "f." In the case of a multi-component product the responsible manufacturer is the last  
305 manufacturer to produce or assemble the product or, if the multi-component product is

306 produced in a foreign country, the responsible manufacturer is the importer or domestic  
307 distributor.

309 f. Alternative Methods of Public Notification

- 311 i. A manufacturer may apply to the [agency] for an alternative to the requirements  
312 of this section where: strict compliance with the requirements is not feasible; or  
313 the proposed alternative would be at least as effective in providing pre-sale  
314 notification of PFAS content and in providing instructions on proper disposal; or  
315 federal law governs labeling in a manner that preempts jurisdiction authority.
- 317 ii. Applications for an alternative to the requirements of this section must: (1)  
318 document the justification for the requested alternative; (2) describe how the  
319 alternative ensures that purchasers or recipients of PFAS-added products are made  
320 aware of PFAS content prior to purchase or receipt; (3) describe how a person  
321 discarding the product will be made aware of the product stewardship program  
322 administered pursuant to Section 9; (4) document the readiness of all necessary  
323 parties to implement the proposed alternative; and (5) describe the performance  
324 measures to be utilized by the manufacturer to demonstrate that the alternative is  
325 providing effective pre-sale notification and pre-disposal notification.
- 327 iii. The [agency] may grant, deny, modify, or condition a request for an alternative to  
328 the requirements of this section. Prior to approving an alternative, the [agency]  
329 shall consult with neighboring jurisdictions and others to ensure that its labeling  
330 requirements are consistent with those of other governments in the region. Such a  
331 waiver shall be for a period of no more than three years and may, upon continued  
332 eligibility under the criteria of this section and compliance with the conditions of  
333 its prior approval, be renewed at three-year intervals.

335 **Section 9. PFAS containing products; producer responsibility.**

- 337 a. Within three years of the adoption of this Act, no product that has been determined to  
338 have a currently unavoidable use of PFAS shall be offered for final sale or use or  
339 distribution for promotional purposes in [jurisdiction] unless the manufacturer either on  
340 its own or in concert with other persons has submitted a plan for a convenient and  
341 accessible collection system for such products when the consumer is finished with them  
342 and such a plan has received approval of the [agency]. Where a PFAS-added product is a  
343 component of another product, the collection system must provide for removal and  
344 collection of the PFAS-added component or collection of both the PFAS-added  
345 component and the product containing it.
- 347 b. The collection system plan shall include the following elements:  
348 i. A public education program to inform the public about the purpose of the  
349 collection program and how to participate in it.



394 such other information as the [agency] may require. Such reports shall be made available  
395 to the public by the [agency].

- 396
- 397 g. The cost for the collection system must be borne by the manufacturer or manufacturers of  
398 PFAS-added products. No person may charge a consumer a direct point-of-sale or direct  
399 point-of-collection fee to recoup the costs associated with meeting the obligations under  
400 this title.
- 401
- 402 h. Manufacturers must specify the ultimate fate of the collected materials and document that  
403 environmental releases of PFAS have been prevented.
- 404
- 405 i. The [agency] shall review the regulatory framework governing handling of waste from  
406 PFAS-added products and may revise, if necessary, its rules as appropriate to facilitate  
407 collection.
- 408
- 409 j. PFAS-added formulated products intended to be totally consumed in use, such as  
410 cosmetics, pharmaceuticals, and other laboratory chemicals, shall be exempt from the  
411 requirements of this section.

412

## 413 **Section 10. Jurisdiction Procurement Preferences for Non-PFAS-Added Products**

414

- 415 a. Notwithstanding other policies and guidelines for the procurement of equipment,  
416 supplies, and other products, the [jurisdiction procurement administrator] shall, within 3  
417 years of the effective date of this section, revise its policies, rules, and procedures to  
418 implement the purposes of this Act.
- 419
- 420 b. The [jurisdiction procurement administrator] shall give priority and preference to the  
421 purchase of equipment, supplies, and other products that contain no PFAS-added  
422 compounds or components, unless there is no economically feasible non-PFAS-added  
423 alternative that performs a similar function. In circumstances where a non-PFAS-added  
424 product is not available, preference shall be given to the purchase of products that contain  
425 the least amount of PFAS-added to the product necessary for the required performance.
- 426
- 427 i. The [jurisdiction procurement administrator] is authorized to give a price  
428 preference of up to \_\_\_\_ percent for products that contain no PFAS or less PFAS.
- 429
- 430 ii. This priority and preference shall apply to all jurisdiction purchases, as well as  
431 any purchases made by others with jurisdiction funds.
- 432
- 433 iii. The procurement agent shall specify non-PFAS or reduced PFAS-added products,  
434 as applicable, in procurement bid documents.
- 435
- 436

437   **Section 11. Rulemaking**

438  
439   [Each jurisdiction to add its own Rulemaking Provisions.]

440  
441   **Section 12. Enforcement & Penalties**

442  
443   A violation of any of the provisions of this law or any rule or regulation promulgated pursuant  
444   thereto shall be punishable in the case of a first violation, by a civil penalty not to exceed \_\_\_\_\_  
445   dollars. In the case of a second and any further violation, the liability shall be for a civil penalty  
446   not to exceed \_\_\_\_\_ dollars for each violation.

447  
448   [Each jurisdiction may add additional enforcement provisions.]

449  
450   **Section 13. Public Notification and Review**

451  
452   [Each jurisdiction to add its own Public Notification and Review Provisions.]

453  
454   **Section 14. Jurisdiction Review**

455  
456   The [agency] shall review the effectiveness of this Act in consultation with the Interjurisdiction  
457   Clearinghouse no later than 4 years after its adoption and shall provide a report based upon that  
458   review to the Governor and the legislature. The report shall review the effectiveness of the  
459   programs required under the Act and may contain recommendations for improving them. As part  
460   of this review, the jurisdiction [responsible administrative agency] shall evaluate the  
461   effectiveness of the collection systems established under this Act and determine whether  
462   additional jurisdiction authority or targeted capture rates are needed to improve those systems. In  
463   addition, through this review process, the [responsible administrative agency] shall evaluate the  
464   need for additional incentives for manufacturers of PFAS-added products that are not banned or  
465   phased-out under this law. The [agency] shall update and publish the report four and eight years  
466   after the effective date of this Act.

467  
468   **Section 15. Severability Clause**

469  
470   [Each jurisdiction to add its own severability clause.]

471  
472   **Section 16. Effective Date**

473  
474   This Act shall become effective immediately upon adoption.

475  
476   **Section 17. Administrative Fees and Regulations**

477  
478   The [responsible administrative agency] may impose fees sufficient to cover the costs of  
479   administering the provisions of this Act, including participation in a multi-jurisdiction  
480   clearinghouse to assist in carrying out the requirements of this Act and to help coordinate

481 collection and reviews of the manufacturers' notifications regarding PFAS-added products,  
482 applications for phase-out exemptions, the collection system plans, applications for alternative  
483 labeling/notification systems, education and outreach activities, and any other related functions  
484 as described in Section 4 of this Act. The [responsible administrative agency] may adopt  
485 regulations to implement the provisions of this Act consistent with the policies and purposes of  
486 this Act.

487

488 **Section 18. Appropriations**

489

490 [Each jurisdiction to add its own appropriations provisions.]

491