

Environment & Energy

# California Limits 'Forever Chemicals' in Textiles, Cosmetics (1)

By Zach Bright

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- Governor signed cosmetics and textiles chemical limits
  - Reporting requirement to state toxics agency vetoed
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California is banning "forever chemicals" in cosmetics and phasing out their use in textiles under legislation that Gov. Gavin Newsom signed into law.

The new safeguards are among the country's strictest chemical protections in consumer products in the largest US cosmetics market and one of the world's biggest economies.

In a bill signing on Thursday, Newsom (D) also vetoed another bill that would have required manufacturers to report products sold in or brought to California containing "forever chemicals," also known as per- and polyfluoroalkyl substances or PFAS.

PFAS are a wide-ranging chemical class extremely resistant to degradation found everywhere from carpets to certain furniture and food packaging. Certain levels of the chemicals have been linked to environmental and human health issues, according to the Environmental Protection Agency.

## Limiting PFAS

Starting in 2025, manufacturers can no longer distribute or sell any cosmetic products that contain intentionally added PFAS under newly signed A.B. 2771.

"Soon, Californians won't have to worry that they're putting their health, or the health of their loved ones, at risk by doing something as routine as applying lotion or wearing makeup," said Assemblymember Laura Friedman (D), who sponsored the bill.

It's a significant advancement from a 2020 law that banned the use of just 13 specified PFAS substances from cosmetics—which include makeup, lotions, creams, aerosols. Washington's state legislature in March rejected a similar PFAS ban for cosmetics, which included other harmful chemicals.

The Personal Care Products Council, which helped draft the bill, said in a statement to Bloomberg Law that AB 2771 aligns with the organization's PFAS principles.

Trade organizations including the American Chemistry Council and the California Chamber of Commerce said in a letter to Newsom that A.B. 2771 would have unintended consequences by banning hydrofluoroolefins (HFOs). The groups said they would commit to working on legislation next year that allows for the limited use of HFOs.

HFOs are considered a PFAS and are used in refrigerants and personal care products by Honeywell, which also opposed the bill.

Under another new law, A.B. 1817, manufacturers will have to limit PFAS to a maximum of 100 parts-per-million in textiles in 2025 and 50 ppm in 2027. Exemptions were made for personal protective equipment and industrial clothing.

### **Reporting Rule 'Premature'**

The regulatory abilities of California's Safer Consumer Products program received a boost from S.B. 502, which also set clear timelines and more transparent work plans.

Extensive reporting requirements under A.B. 2247, which Newsom vetoed, would have required the state Department of Toxic Substances Control to collect data on products sold in or brought to California containing PFAS.

In his veto message, Newsom wrote that the bill may be "premature" because current rulemaking on PFAS underway by the US Environmental Protection Agency.

The governor added that it's important for the state to "remain disciplined when it comes to spending," noting the estimated cost of such a program would be in at least the millions of dollars.

Silicon Valley companies including Alphabet Inc. , Apple Inc., and Microsoft Corp. had opposed the bill, which would have provided a wealth of new PFAS data for California and the EPA.

### **(Updates with additional comments on A.B. 2771 and S.B. 502.)**

To contact the reporter on this story: Zach Bright at [zbright@bloombergindustry.com](mailto:zbright@bloombergindustry.com)

To contact the editor responsible for this story: Renee Schoof at [rschoof@bloombergindustry.com](mailto:rschoof@bloombergindustry.com)

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