

Washington State Laws Regulating PFAS

By: Janet Kaminski Leduc, Chief Attorney

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Issue

This report provides general information about per- and polyfluoroalkyl substances (PFAS) and briefly summarizes Washington state laws regulating PFAS in (1) food packaging and (2) firefighter equipment and foam.

General Information on PFAS

According to the U.S. Environmental Protection Agency (EPA), PFAS are a diverse group of man-made chemicals that are resistant to heat, water, and oil. They have been used in the United States since the 1940s in hundreds of industrial applications and consumer products.

PFAS are persistent in the environment and the human body; they do not break down and they bioaccumulate (i.e., concentrations increase over time). According to EPA, "[at] high concentrations, certain PFAS have been linked to adverse health effects in laboratory animals" (e.g., low birth weight, delayed puberty, elevated cholesterol, and reduced immunologic response to vaccinations).

People may be exposed to PFAS through contaminated food or water or through the use of everyday products containing PFAS, such as Teflon or other non-stick coatings.

For more information about PFAS, see EPA's [website](#).

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Food Packaging

Beginning January 1, 2022, no person may manufacture, knowingly sell, offer for sale, or distribute for sale or use in Washington any food packaging to which PFAS have been intentionally added ([Wash. Rev. Code Ann. § 70.95G.070](#)). This prohibition, however, is contingent on the state's Department of Ecology conducting certain research and publishing its findings.

Specifically, in order for the prohibition to take effect, the department must identify that safer alternatives to PFAS are available, which must be supported by external peer review feedback. Under the law, a safer alternative to PFAS in food packaging must (1) be readily available in sufficient quantity and at a comparable cost and (2) perform at least as well as PFAS. The law (1) details the alternatives assessment that the department must undertake and (2) requires the department to publish its findings by January 1, 2020.

If the department identifies safer alternatives by January 1, 2020, the prohibition on using PFAS in food packaging becomes effective January 1, 2022. However, if it determines that safer alternatives do not exist, the enacted prohibition will not take effect. In that case, the law requires the department to review and report on possible alternatives annually. Once the department identifies a safer alternative, the prohibition on using PFAS in food packaging takes effect two years after it reports on the alternative.

Firefighting Equipment and Foam

Washington law requires a manufacturer or other person that sells firefighting personal protective equipment to any person, local government, or state agency to provide written notice to the purchaser at the time of sale if the equipment contains PFAS chemicals ([Wash. Rev. Code Ann. § 70.75A.030](#)).

The law also prohibits a person, local government, or state agency from discharging or otherwise using for training purposes class B firefighting foam with intentionally added PFAS chemicals ([Wash. Rev. Code Ann. § 70.75A.010](#)). Class B firefighting foam is designed for flammable liquid fires.

Beginning July 1, 2020, with limited exceptions, a class B firefighting foam manufacturer cannot manufacture, knowingly sell, offer for sale, or distribute for sale or use in Washington class B firefighting foam with intentionally added PFAS chemicals ([Wash. Rev. Code Ann. § 70.75A.020](#)).

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