

PFAS Ban Included In California Cosmetics Bill

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On August 30, 2020, the California legislature passed Assembly Bill 2762, the [Toxic-Free Cosmetics Act](#). The bill would ban 12 chemicals, including PFAS, mercury, and endocrine disruptors, from cosmetics and other personal care products made in or sold to the state of California. The bill was sent to Governor Gavin Newsom and he has until September 30, 2020 to either sign the bill into law or veto it. If passed into law, the ban on the chemicals in these products would take effect January 1, 2025. The bill does permit for “unavoidable trace amounts” of the various banned chemicals, recognizing that the end products may inevitably and inadvertently be contaminated with chemicals after the manufacturing process – for example, from leaching from product packaging.

The bill is a landmark bill for several reasons, first and foremost because it would be the first of its kind in California and the United States in banning such a broad array of chemicals from personal care products. Previous state-level legislation related to chemicals in personal care products have focused primarily on one or two chemicals per bill. The bill is also unique in that it received bipartisan support from legislators and resounding support from the Personal Care Products Council. On the surface, the support of this organization surprised many; however, the Personal Care Products Council issued a statement in which they indicated that they view their support for the bill as a way of bringing harmony to regulations that already exist. The European Union has for many years aggressively studied and regulated many of the chemicals subject to the California bill, and has already banned them in many products, including cosmetics and personal care products. The Council therefore saw supporting the California bill as a way to unify the regulations that exist, rather than attempting to come into compliance with a multitude of varying regulations.

If passed, the impact of the California regulations will also have national and global ripple effects. In the United States, California is often at the forefront of products and chemical regulation initiatives. States often model their own regulations off of California regulations. In addition, California is the fifth largest economy in the world. Cosmetics and personal care products’ manufacturers can now adjust product design, manufacturing, and distribution in a much more globally uniform manner, which will result in cost savings to manufacturers.

Companies involved in the stream of commerce for cosmetics and personal care products should remain informed regarding California’s sweeping regulations so they do not get caught off guard. While there is ample time to adjust R&D, manufacturing, and distribution practices if the bill is passed into law, it will be important for companies to not fall victim to believing that the Toxic-Free Cosmetics Act will be the final say in regulating the cosmetics and personal care products industries. More

regulations are likely in the future, and staying informed and ensuring that strong compliance programs are in place are essential to businesses not being caught off guard in the future.

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National Law Review, Volume X, Number 253

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