

The Next Wave of PFAS Regulation

Article By:

Bina Joshi

Rachael A. Bryan

Last fall, we wrote about the EPA's strategic roadmap regarding its goals for investigating, regulating, and remediating Per- and Polyfluoroalkyl Substances (PFAS).

Our post on the EPA's strategic roadmap can be found [here](#).

On November 18, 2021, the bipartisan Keep Food Containers Safe from PFAS Act was introduced, adding to the growing number of proposed federal PFAS regulations.

The proposed legislation would amend the Federal Food, Drug, and Cosmetic Act to prohibit food packaging containing "intentionally added" PFAS beginning as soon as January 1, 2024. The Act does not define "intentionally added," but, since it was introduced, two states where similar laws are proposed have defined "intentionally added," providing clarity on what the phrase covers.

New York defines "intentionally added" as "a chemical in a product that serves an intended function in the product component." However, Minnesota defines the phrase as "PFAS deliberately added during the manufacture of a product where the continued presence of PFAS is desired in the final package or packaging component to perform a specific function." It is not clear whether the Act will include similar definitions.

Since the Act was introduced in the House, it has been referred to the House Committee on Energy and Commerce to be studied. If the Committee releases the Act, it will be voted on by the House and then the Senate.

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