

New York Passes Bill Prohibiting Use of PFAS in “Apparel and Outdoor Apparel for Severe Wet Conditions”

Article By:

Lisa M. Wilson

New York recently enacted legislation that specifically prohibits the sale of products containing chemicals known as perfluoroalkyl and polyfluoroalkyl substances (PFAS). PFAS are synthetic chemicals that are resistant to water, oil and heat, and break down slowly over time. Given their durable nature, PFAS have been found to be desirable in the manufacture of clothing, particularly for their ability to repel water and stains. However, New York’s enactment of [Senate Bill S1322](#), taking effect January 1, 2025, will create additional PFAS regulations the garment industry must now follow.

S1322 is focused on restricting apparel manufactured with intentionally added PFAS. This bill amends New York’s Environmental Conservation law section 37-0121, adding a prohibition against the use of PFAS in “apparel and outdoor apparel made for severe wet conditions.” S1322 threads the regulatory, consumer protection needle with three seamless sections, the first being its initial enactment January 1, 2025, during which the sale of certain defined articles of apparel containing PFAS will be prohibited.

Per the text of the bill, apparel including clothing items intended for regular wear or formal occasions – including undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, vests, dancewear, suits, saris, scarves, tops, leggings, leisurewear, formal wear, outdoor apparel, onesies, bibs and diapers – will be covered by this law. However, the bill explicitly contains an exclusion for professional uniforms or outerwear intended for extreme conditions that are worn to protect from health or environmental hazards, such as personal protective equipment (PPE), which are not going to be impacted by this regulation at its initial effective date.

However, as of 2027, further regulation of the sale of PFAS-bearing clothing will be woven into New York law. According to the text of S1322, effective January 1, 2027, no person shall sell any new apparel containing PFAS at or above levels to be established by the State of New York, regardless of whether PFAS was intentionally added. Further, on January 1, 2028, the sale of outdoor apparel for severe wet conditions that are made with PFAS also will be banned in the State of New York.

To ensure compliance with this regulation, sellers of apparel covered by the law may rely in good faith on a manufacturer’s written assurance that their apparel meets the requirements of this new law. Violations of this new legislation will include the imposition of fines between \$1,000 and \$2,000 per day for each day of the continuing violation.

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