

'Multiheaded Hydra' of PFAS Products Under California Scrutiny

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- State looking at rugs, carpets, after-market treatment for textiles, leathers
- Food containers also on the agenda

California has its eye on “forever chemicals,” and is taking a closer look at safer alternatives in common consumer products, including stain-resistant coatings for boots and food packaging items.

The state this year could require rug and carpet makers to come up with safer alternatives for their stain- and water-resistant products. After-market treatments with per- and polyfluoroalkyl substances (PFAS) that help consumers protect their boots, clothes, and other textiles from rain, snow, and grease could also face the same fate.

So, too, could food packaging items, even as bans on PFAS in single-use bowls, plates, and utensils take effect Jan. 1 in San Francisco and other cities in the state.

States across the nation have been focusing on PFAS in drinking water supplies, but California and some of its cities are also focusing on the consumer side. The state follows in the footsteps of Washington state, which had also been poised to ban all PFAS in paper food packaging, though a 2022 effective date has been delayed.

“The problem is we’re using the chemicals and we need to stop,” said Jen Jackson, a program manager at the San Francisco Department of the Environment focused on reducing toxics.

The chemicals don't break down readily in water and are resistant to heat and grease, making them popular in a wide variety of products, including takeout containers, nonstick cookware, carpeting, and firefighting foam.

But those same properties ensure the chemicals are hard to eradicate when they seep into groundwater during petroleum fire training, or get into wastewater when washing clothes or doing dishes. Lubricants used to prevent molds from sticking to machinery during manufacturing can also cause contamination, Jackson said. PFAS also can emit into the air while not being used, and they have been found in dairy cows.

"It's the multiheaded hydra," Jackson said. "You think you cut off one part of it, and three more heads grow."

Planned Rulemaking

The California Department of Toxic Substances Control is planning a series of workshops and rulemakings in 2020 related to PFAS under its Safer Consumer Products regulations, which require manufacturers to examine if a listed chemical is necessary in a product and if there are safer alternatives.

The state could then place restrictions on use or how the chemicals must be disposed of, prohibit sales entirely, or take other action.

PFAS are part of a family of thousands of chemicals, and regulators have primarily focused on a handful.

The California consumer regulations would encompass the entire class because the state says they share similar characteristics. The chemicals pose different health risks, including developmental issues in children, hormonal problems, and certain cancers.

"PFAS are found in basically all product categories," said Simona Balan, a senior environmental scientist at the state toxics agency.

Could Jeopardize Important Products

The American Chemistry Council said the presence of a range of chemicals doesn't mean they will cause harm.

"Banning an entire class of chemicals in specific applications like the DTSC is suggesting may jeopardize many products that provide important benefits to consumers," regional spokesman Andrew Fasoli wrote in an email. "Additionally, a blanket approach to regulating PFAS as a single class in rugs and carpets does not align with the state of the science" and "could unnecessarily impact consumers, communities, and businesses."

Fasoli said California was unique in its effort, and the council “wants to help DTSC make sound decisions to list priority products based on the science.”

The carpet and rug rule should be announced in early 2020 and would likely affect 58 manufacturers, Balan said.

“Some of them have already removed PFAS in the products or will probably phase them out,” said Andre Algazi, chief of the chemical and product evaluation section at the state’s toxics substances control agency.

The rule focused on treatments for converted textiles and leathers would come later in 2020. Finalizing rules generally takes a year.

Could Be Easier Fight

Listing will “have a substantial impact on the manufacturing and sales of these products in California,” said attorney Jeffrey Karp, with the firm Sullivan and Worcester LLP in Washington, D.C.

But listing the entire class rather than individual chemicals could make it easier for manufacturers to fight because with few epidemiological studies, the science isn’t settled.

“Most of the studies are animal studies,” he said. “It makes it easier for defendants to push back.”

Meanwhile, the California Department of Resources Recycling and Recovery (CalRecycle) is working with researchers at the University of California, Davis, to evaluate if PFAS used in packaging can migrate into food and soil. In the lab, researchers have been sampling a mixture of food waste, wood chips, leaves, and compostable products.

Preliminary testing has found levels as high as 2,350 parts per million of total fluorine, an element found in PFAS, Daphne Molin, a senior environmental scientist at CalRecycle, said during a seminar earlier this month.

“We do want organic diversion,” she said. “We want to make sure these products break down completely.”

The study will also examine if there are ways to remove the contaminants from leachate, or the water that has moved through compost.

“It’s really important for us that we understand what’s in these products,” Molin said.