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AB-872 Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances. (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 872

Introduced by Assembly Member Blanca Rubio

February 19, 2025

An act to amend Sections 25252 and 108076 of, [to add Section 25253.2 to](#), and to add Chapter 17.5 (commencing with Section 109030) to Part 3 of Division 104 of, the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 872, as amended, Blanca Rubio. Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances.

~~(1) Existing law requires the Department of Toxic Substances Control, on or before January 1, 2029, to adopt regulations to enforce specified covered perfluoroalkyl and polyfluoroalkyl substances (PFAS) restrictions, which include prohibitions on the distribution, sale, or offering for sale of certain products that contain specified levels of PFAS. Existing law requires the department, on and after July 1, 2030, to enforce and ensure compliance with those provisions and regulations, as provided. Existing law requires manufacturers of these products, on or before July 1, 2029, to register with the department, to pay a registration fee to the department, and to provide a statement of compliance certifying compliance with the applicable prohibitions on the use of PFAS to the department, as specified. Existing law authorizes the department to test products and to rely on third-party testing to determine compliance with prohibitions on the use of PFAS, as specified. Existing law requires the department to issue a notice of violation for a product in violation of the prohibitions on the use of PFAS, as provided. Existing law authorizes the department to assess an administrative penalty for a violation of these prohibitions and authorizes the department to seek an injunction to restrain a person or entity from violating these prohibitions, as specified.~~

(1) Existing law, known as the Green Chemistry program, requires the Department of Toxic Substances Control to adopt regulations to establish a process to identify and prioritize chemicals or chemical ingredients in consumer products that may be considered as being chemicals of concern. Existing law requires the regulations to include criteria by which chemicals and their alternatives may be evaluated by the department, as provided. Existing law requires the department, following the completion of an alternatives analysis, to provide a regulatory response that may include, but is not limited to, not requiring any action and restricting or prohibiting the use of the chemical of concern in the consumer product.

This bill would, beginning January 1, 2028, prohibit a person from distributing, selling, or offering for sale a covered product, as defined, that contains intentionally added PFAS, as defined, unless the department has ~~made a determination that the use of PFAS in the product is a currently unavoidable use~~ *issued a regulatory response for the covered product pursuant to the Green Chemistry program* or the prohibition is preempted by federal law. ~~The bill would specify the criteria and procedures for determining whether the use of PFAS in a product is a currently unavoidable use, for renewing that determination, and for revoking that determination. The bill would require the department to maintain on its internet website a list of each determination of currently unavoidable use, when each determination expires, and the products and uses that are exempt from the prohibition. The bill would authorize a manufacturer of a covered product to petition the department to evaluate a covered product and would require the department to evaluate and provide a regulatory response for a covered product under the Green Chemistry program, as specified.~~

~~This bill would require these prohibitions on covered products to be enforced by the department pursuant to the existing authority described above, including, but not limited to, the authority relating to registration, product testing, and administrative penalties.~~

This bill would require the department, on or before January 1, 2028, to adopt regulations to carry out these provisions. The bill would require the department to analyze and comment on the presence of PFAS in industrial processes and products, as specified. The bill would authorize the department to identify and categorize commercially active PFAS present in products distributed in California, as specified. The bill would authorize the department to report on other issues relating to products containing PFAS and emissive compounds.

(2) Existing law requires the department, on or before January 1, 2029, to adopt regulations to enforce specified covered perfluoroalkyl and polyfluoroalkyl substances (PFAS) restrictions, which include prohibitions on the distribution, sale, or offering for sale of certain products that contain specified levels of PFAS. Existing law requires the department, on and after July 1, 2030, to enforce and ensure compliance with those provisions and regulations, as provided. Existing law requires manufacturers of these products, on or before July 1, 2029, to register with the department, to pay a registration fee to the department, and to provide a statement of compliance certifying compliance with the applicable prohibitions on the use of PFAS to the department, as specified. Existing law authorizes the department to test products and to rely on third-party testing to determine compliance with prohibitions on the use of PFAS, as specified. Existing law requires the department to issue a notice of violation for a product in violation of the prohibitions on the use of PFAS, as provided. Existing law authorizes the department to assess an administrative penalty for a violation of these prohibitions and authorizes the department to seek an injunction to restrain a person or entity from violating these prohibitions, as specified.

This bill would require the department to use this existing authority to enforce the prohibition on products that would be prohibited by the provisions in paragraph (1).

~~(2)~~

(3) Existing law requires the department, in consultation with the Office of Environmental Health Hazard Assessment and all appropriate state agencies, to adopt regulations to establish a process to identify and prioritize chemicals or chemical ingredients in consumer products that may be considered as being a chemical of concern, as specified. Pursuant to that authority, the department adopted regulations known as the Safer Consumer Products Regulations.

This bill would authorize, but not require, that those regulations evaluate uses of PFAS in products that would be prohibited by the provisions in paragraph (1).

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25252 of the Health and Safety Code is amended to read:

25252. (a) On or before January 1, 2011, the department shall adopt regulations to establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered as being a chemical of concern, in accordance with the review process specified in Section 25252.5. The department shall adopt these regulations in consultation with the office and all appropriate state agencies and after conducting one or more public workshops for which the department provides public notice and provides an opportunity for all interested parties to comment. The regulations adopted pursuant to this section shall establish an identification and prioritization process that includes, but is not limited to, all of the following considerations:

- (1) The volume of the chemical in commerce in this state.
- (2) The potential for exposure to the chemical in a consumer product.

(3) Potential effects on sensitive subpopulations, including infants and children.

(b) (1) In adopting regulations pursuant to this section, the department shall develop criteria by which chemicals and their alternatives may be evaluated. These criteria shall include, but not be limited to, the traits, characteristics, and endpoints that are referenced in Section 25256.

(2) In adopting regulations pursuant to this section, the department shall reference and use, to the maximum extent feasible, available information from other nations, governments, and authoritative bodies that have undertaken similar chemical prioritization processes, so as to leverage the work and costs already incurred by those entities and to minimize costs and maximize benefits for the state's economy.

(3) Paragraph (2) does not require the department, when adopting regulations pursuant to this section, to reference and use only the available information specified in paragraph (2).

(c) The Safer Consumer Products Regulations (Chapter 55 (commencing with Section 69501) of Division 4.5 of Title 22 of the California Code of Regulations), adopted pursuant to this section, may, but is not required to, evaluate uses of perfluoroalkyl and polyfluoroalkyl substances, as defined in Section 109030, in products that are covered by Chapter 17.5 (commencing with Section 109030) of Part 3 of Division 104.

SEC. 2. Section 108076 of the Health and Safety Code is amended to read:

108076. For purposes of this chapter, all of the following definitions apply:

(a) "Covered PFAS restriction" means a restriction imposed by any of the following:

- (1) Chapter 12.5 (commencing with Section 108945).
- (2) Chapter 13.5 (commencing with Section 108970).
- (3) Article 1 (commencing with Section 109000) of Chapter 15.
- (4) Chapter 17.5 (commencing with Section 109030).

(b) "Covered product" means any of the following:

- (1) A juvenile product, as defined in Section 108945.
- (2) Textile articles, as defined in Section 108970.
- (3) Food packaging, as defined in Section 109000.
- (4) A covered product, as defined in Section 109030.

(c) "Department" means the Department of Toxic Substances Control.

SEC. 3. *Section 25253.2 is added to the Health and Safety Code, to read:*

***25253.2.** (a) The manufacturer of a covered product may directly petition the department to evaluate a covered product. If a manufacturer of a covered product petitions the department to evaluate a covered product pursuant to this section, the department shall evaluate the covered product for chemicals of concern, including PFAS, and provide a regulatory response pursuant to the regulations described in this article.*

(b) For purposes of this section, the following definitions apply:

- (1) "Covered product" has the same meaning as provided in Section 109030.*
- (2) "Manufacturer" has the same meaning as provided in Section 109030.*
- (3) "PFAS" has the same meaning as provided in Section 109030.*

~~**SEC. 3.**~~**SEC. 4.** Chapter 17.5 (commencing with Section 109030) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 17.5. Perfluoroalkyl and Polyfluoroalkyl Substances

109030. For purposes of this chapter, the following definitions apply unless the context otherwise indicates:

- (a) "Cleaning product" has the same meaning as "designated product" in Section 108952.
- (b) "Component" means an identifiable ingredient, part, or piece of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.
- (c) "Cookware" has the same meaning as in Section 109010.
- (d) "Consumer product" has the same meaning as in Section 25251, except that "consumer product" does not include any of the following:
- (1) The provision of services or commodities by water, sewer, electric, or gas utilities or agencies.
 - (2) A consumer electronic product, including, but not limited to, a computer, gaming console, handheld device, keyboard power supply unit, mouse, phone, power cord, screen, or television.
 - (3) A used product offered for sale or resale.
 - (4) A medical device or drug and the packaging of the medical devices or drug that is regulated by the United States Food and Drug Administration, including, but not limited to, prosthetic and orthotic devices.
 - (5) A veterinary product and its packaging intended for use in or on animals, including, but not limited to, a biologic, component of a veterinary product, diagnostic equipment, drug, parasiticide, test kit, veterinary medical device, or any product that is otherwise used in a veterinary medical setting or in a veterinary medical application that is regulated by or under the jurisdiction of any of the following:
 - (A) The United States Food and Drug Administration.
 - (B) The United States Department of Agriculture pursuant to the federal Virus-Serum-Toxin Act (21 U.S.C. Sec. 151 et seq.).
 - (C) The United States Environmental Protection Agency pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136 et seq.), except for a product approved by the United States Environmental Protection Agency.
 - (6) A product developed or manufactured for the purpose of public health or environmental or water quality testing.
 - (7) A motor vehicle or motor vehicle equipment regulated under a motor vehicle safety standard, as defined in Section 30102 of Title 49 of the United States Code, except for a textile article or refrigerant that is included in or as a component of these products.
 - (8) Any other motor vehicle, including, but not limited to, an all-terrain vehicle, farm equipment, off-highway vehicle, personal assistive mobility device, side-by-side vehicle, or specialty motor vehicle.
 - (9) An aircraft, lighter-than-air aircraft, seaplane, or watercraft.
 - (10) A semiconductor, including, but not limited to, semiconductors incorporated in electronic equipment and materials used in the manufacture of semiconductors.
 - (11) Nonconsumer electronics and nonconsumer laboratory equipment not ordinarily used for family, household, or personal purposes.
 - (12) A product that contains intentionally added PFAS with uses that are currently listed as acceptable, acceptable subject to use conditions, or acceptable subject to narrowed use limits pursuant to the Significant New Alternatives Policy Program, adopted pursuant to Section 7671k of the federal Clean Air Act (42 U.S.C. Sec. 7401 et seq.), if the PFAS is a substitute for ozone-depleting substances under the conditions specified in the program.
 - (13) A product required to meet standards or requirements of the United States Department of Transportation, the Federal Aviation Administration, the National Aeronautics and Space Administration, the United States Department of Defense, or the United States Department of Homeland Security.
 - (14) A product that contains fluoropolymers consisting of polymeric substances for which the backbone of the polymer is either a ~~per-~~ *perfluorinated* or polyfluorinated carbon-only backbone or a perfluorinated polyether backbone that is a solid at standard temperature and pressure.
 - (15) A product used for the distribution, generation, or storage of electricity.
 - (16) Equipment directly used in the manufacture or development of the products described in this paragraph.
- (e) "Covered product" means all of the following product categories:

- (1) Cleaning products.
- (2) Cookware.
- (3) Consumer products.
- (4) Dental floss.
- (5) Juvenile products.
- (6) Food packaging.
- (7) Ski wax.

~~(f) "Currently unavoidable use" means a use of PFAS that the department has determined is permissible for a limited time pursuant to subdivision (a) of Section 109030.2.~~

~~(g)~~

(f) "Department" means the Department of Toxic Substances Control.

~~(h)~~

(g) (1) "Food packaging" means a container that is used after a product is delivered to the first point of processing and that has direct food contact to handle, deliver, serve, contain, or store a food or beverage, including, but not limited to, carrying cases, crates, cups, plates, bowls, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs.

(2) "Food packaging" does not include a product that meets the definition of "food packaging" in Section 109000.

~~(i)~~

(h) "Intentionally added PFAS" means the addition of PFAS in a product that serves an intended function in the product or its component.

~~(j)~~

(i) (1) "Juvenile product" means a product designed for use by infants and children under 12 years of age.

(2) "Juvenile product" does not include a product described in either paragraph (1) or (2) of subdivision (c) of Section 108945.

~~(k)~~

(j) (1) Subject to paragraphs (2) and (3), "manufacturer" means either of the following:

(A) A person that manufactures the product and whose name appears on the product label.

(B) A person for whom the product is manufactured or by whom it is distributed, and who owns or is the licensee of the brand or trademark under which the product is used in a commercial enterprise, sold, offered for sale, or distributed in the state.

(2) In the case of a product imported into the United States, "manufacturer" includes the importer or first domestic distributor of the product if no person that meets the requirements of subparagraph (A) or (B) of paragraph (1) has a presence in the United States.

(3) "Manufacturer" does not include trade associations or similar entities.

(4) For purposes of this chapter, a product may have more than one manufacturer.

~~(l) "Necessary for the product to work" means required for the product to perform its primary function, as determined by the department.~~

~~(m)~~

(k) "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" has the same meaning as in Section 705.3 of Title 40 of the Code of Federal Regulations.

~~(n)~~

(l) "Person" means an individual, firm, corporation, association, or other entity doing business in California.

~~(e) "Reliable information" means a study or evaluation that meets both the following:~~

~~(1) The study or evaluation design was appropriate to the hypothesis being tested, and sufficient to support the proposition for which the study or evaluation is presented to the department.~~

~~(2) The study or evaluation was published in one of the following:~~

~~(A) A scientifically peer-reviewed report or other literature.~~

~~(B) A report of the United States National Academies.~~

~~(p)~~

(m) "Ski wax" means a lubricant applied to the bottom of snow runners, including, but not limited to, skis and snowboards, to improve their grip or glide properties and includes related tuning products.

~~109030.1.~~ **109030.2.** On and after January 1, 2028, a person shall not distribute, sell, or offer for sale in the state a covered product that contains intentionally added PFAS, except for any of the following:

(a) A covered product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority.

~~(b) A covered product for which there is an applicable determination of currently unavoidable use.~~

(b) A product for which the department has issued a regulatory response pursuant to Article 14 (commencing with Section 25251) of Chapter 6.5 of Division 20.

~~109030.2.(a) Upon a petition from the manufacturer of a covered product, the department shall review and determine whether the use of PFAS in the covered product is a currently unavoidable use. The department shall find that the use of PFAS in the covered product is a currently unavoidable use if it finds any the following:~~

~~(1) There are no safer alternatives to PFAS that are reasonably available.~~

~~(2) The function provided by PFAS in the covered product is necessary for the covered product to work.~~

~~(3) The use of PFAS in the covered product is critical for health, safety, or the functioning of society.~~

~~(b) When determining whether the use of PFAS in a covered product is a currently unavoidable use, the department shall do all of the following:~~

~~(1) Consider the information provided, including relevance and significance for the covered product.~~

~~(2) Consider available reliable information.~~

~~(3) Provide an opportunity for public comment.~~

~~(c) Upon finding that the use of PFAS in a covered product is a currently unavoidable use, the department shall issue a determination of currently unavoidable use.~~

~~(d) The department shall maintain on its internet website a list of each determination of currently unavoidable use, when each determination expires, and the covered products and uses that are exempt from the prohibition specified in Section 109030.1.~~

~~109030.3.~~ **109030.4.** On or before January 1, 2028, the department shall adopt regulations to administer this chapter.

~~109030.4.~~ **109030.6.** (a) Within 24 months of the commencement of reporting required by the federal Environmental Protection Agency PFAS reporting rule, promulgated pursuant to Section 8(a)(7) of the Toxic Substances Control Act (15 U.S.C. Sec. 2601 et seq.), the department may issue a report using the data reported to the federal Environmental Protection Agency and other credible information available to the department to identify and categorize commercially active PFAS present in products distributed in California based on risk from exposure to PFAS known to be released from those products.

(b) The department shall analyze and comment on the presence of PFAS in industrial processes and products, with analysis on sources of release, modality into the environment, potential for human exposure, and with available data on specific compounds

and estimated volume.

(c) The department may use a risk-based analysis to determine if industrial manufacturers that use the top 25 most high-risk and highly emissive compounds should report that use.

~~109030.5~~**109030.8**. (a) On and after January 1, 2029, the department may review products using a risk-based analytical process for PFAS. If the department reviews products, the department shall provide a report to the Legislature that includes recommended restrictions on the manufacture, distribution, and sale of a product in the state containing PFAS.

(b) A report to be submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.