

STATE OF NEW YORK

9073

IN SENATE

January 28, 2026

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting the sale of certain products that contain regulated perfluoroalkyl and polyfluoroalkyl substances

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The environmental conservation law is amended by adding a
2 new section 37-0123 to read as follows:

3 § 37-0123. Prohibition against the sale of perfluoroalkyl and polyfluoro-
4 alkyl substances in consumer and household products.

5 1. For purposes of this section, the following terms have the follow-
6 ing definitions:

7 (a) "Covered product" means textile articles, rugs, fabric treatments,
8 cookware, ski waxes, architectural paints, cleaning products, dental
9 floss, or a component thereof.

10 (b) "Regulated perfluoroalkyl and polyfluoroalkyl substances" or
11 "regulated PFAS" means PFAS that are any of the following:

12 (i) an intentionally added chemical as defined in subdivision four of
13 section 37-0121 of this title; or

14 (ii) present in a product or product component at or above a level
15 that the department shall establish by regulation, as measured in total
16 organic fluorine, that is the lowest level that can feasibly be
17 achieved; provided, however, that the department shall review such level
18 at least every five years to determine whether it should be lowered.

19 (c) "Architectural paint" means interior and exterior architectural
20 coatings; provided, however, that "architectural paint" shall not
21 include industrial, original equipment or specialty coatings.

22 (d) "Cleaning product" means a finished product that is an air care
23 product, automotive product, general cleaning product, or a polish or
24 floor maintenance product used primarily for janitorial, domestic, or
25 institutional cleaning purposes. "Cleaning product" shall not mean any
26 of the following:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (i) foods, drugs, cosmetics and personal care products as defined in
2 section 37-0117 of this title; or

3 (ii) industrial products specifically manufactured for, and exclusive-
4 ly used in the following: oil and gas production; steel production;
5 heavy industry manufacturing; industrial water treatment; industrial
6 textile maintenance and processing other than industrial laundering;
7 food and beverage processing and packaging; or other industrial manufac-
8 turing processes.

9 (e) "Air care product" means a chemically formulated consumer product
10 labeled to indicate that the purpose of the product is to enhance or
11 condition the indoor environment by eliminating unpleasant odors or
12 freshening the air.

13 (f) "Automotive product" means a chemically formulated consumer prod-
14 uct labeled to indicate that the purpose of the product is to maintain
15 the appearance of a motor vehicle, as defined in section one hundred
16 twenty-five of the vehicle and traffic law, including products for wash-
17 ing, waxing, polishing, cleaning, or treating the exterior or interior
18 surfaces of motor vehicles. "Automotive product" does not include auto-
19 motive paint or paint repair products.

20 (g) "General cleaning product" means a soap, detergent, or other chem-
21 ically formulated consumer product labeled to indicate that the purpose
22 of the product is to clean, disinfect, or otherwise care for fabric,
23 dishes, or other wares; surfaces including, but not limited to, floors,
24 furniture, countertops, showers, and baths; or other hard surfaces, such
25 as stovetops, microwaves, and other appliances.

26 (h) "Polish or floor maintenance product" means a chemically formu-
27 lated consumer product, such as polish, wax, a stripper, or a restorer,
28 labeled to indicate that the purpose of the product is to polish,
29 protect, buff, condition, temporarily seal, strip, or maintain furni-
30 ture, floors, metal, leather, or other surfaces.

31 (i) "Cookware" refers to durable items used in homes, restaurants,
32 institutional settings, and commercial kitchens for preparing, dispens-
33 ing, or storing food, foodstuffs, or beverages. These items are designed
34 for indoor or outdoor use and include pots, pans, skillets, grills,
35 baking sheets, molds, trays, bowls, camping gear, and cooking utensils.

36 (j) "Fabric treatment" means a substance applied to a fabric for
37 stain, grease, or water resistance.

38 (k) "Manufacturer" means a person, firm, association, partnership or
39 corporation:

40 (i) that produces or manufactures a covered product or whose brand
41 name is affixed to the covered product; or

42 (ii) in the case of a covered product imported into the United States,
43 "manufacturer" means the importer or first domestic distributor of the
44 product if the person that manufactured or assembled the covered product
45 or whose brand name is affixed to the product does not have a presence
46 in the United States.

47 (l) "Rugs" means any consumer products made from natural or synthetic
48 fabric intended to be used as a floor covering, other than carpets, and
49 includes handmade rugs, area rugs, or mats.

50 (m) "Ski wax" means a lubricant applied to the bottom of snow runners,
51 including skis and snowboards, to improve their grip and glide proper-
52 ties.

53 (n) "Textile" means any item made in whole or in part from a natural,
54 human-made, or synthetic fiber, yarn, or fabric. Textile includes, but
55 is not limited to, the following: leather, cotton, silk, jute, hemp,
56 wool, viscose, nylon, or polyester. "Textile" does not include single-

1 use paper hygiene products, including, but not limited to, toilet paper,
2 paper towels or tissues, or single-use absorbent hygiene products. For
3 the purposes of this subdivision, "single-use" means conventionally
4 disposed of after a single use or not sufficiently durable or washable
5 to be, or not intended to be, reusable or refillable.

6 (o) "Textile articles" means textile goods customarily used in house-
7 holds and businesses including, but not limited to, handbags, luggage,
8 backpacks, footwear, costumes and accessories, draperies, shower
9 curtains, furnishings, upholstery, beddings, towels, napkins, and table-
10 cloths. For the purposes of this section, "textile articles" does not
11 include (i) rugs; (ii) personal protective equipment, including for
12 medical purposes; or (iii) items covered by section 37-0121 of this
13 article.

14 (p) "Dental floss" means a thread, cord, string or similar material
15 that is used for cleaning between teeth. Dental floss includes floss
16 picks and other flossing tools.

17 2. (a) No person shall sell or offer for sale in the state any covered
18 product that contains regulated perfluoroalkyl and polyfluoroalkyl
19 substances pursuant to subparagraph (i) of paragraph (b) of subdivision
20 one of this section.

21 (b) Commencing on January first, two thousand twenty-seven, no person
22 shall sell or offer for sale in the state any covered product that
23 contains regulated perfluoroalkyl and polyfluoroalkyl substances pursu-
24 ant to subparagraph (ii) of paragraph (b) of subdivision one of this
25 section.

26 (c) The prohibition, sale or offer of sale under this section does not
27 apply to the sale or resale of used products.

28 3. (a) A manufacturer of a covered product sold into the state shall
29 provide persons that offer the product for sale in the state with a
30 certificate of compliance. The certificate of compliance shall provide
31 assurance, at a minimum, that the product does not contain any regulated
32 PFAS. Any certificate of compliance provided under this paragraph shall
33 be signed by an authorized official of the manufacturer.

34 (b) In addition to any other applicable penalties, it shall be a
35 violation of this section to provide a certificate of compliance under
36 paragraph (a) of this subdivision when a product is knowingly in
37 violation of the requirements of this section.

38 4. If the department has reason to believe that a covered product
39 contains regulated perfluoroalkyl and polyfluoroalkyl substances and is
40 being sold or offered for sale in violation of this section, the
41 manufacturer of the covered product within thirty days shall:

42 (a) provide the department with independent, third-party laboratory
43 test results demonstrating that the covered product does not contain
44 regulated PFAS; or

45 (b) notify persons who sell that covered product in this state that
46 the sale of that covered product is prohibited in this state and provide
47 the department with a list of the names and addresses of those notified.

48 5. A retailer of a product, who is not also the manufacturer of the
49 product, shall not be held in violation of this section if it can show
50 that such retailer relied in good faith on the certificate of compliance
51 provided for in paragraph (a) of subdivision three of this section.

52 § 2. Section 71-3703 of the environmental conservation law is amended
53 by adding a new subdivision 8 to read as follows:

54 8. Any person who violates any of the provisions of, or who fails to
55 perform any duty imposed by section 37-0123 of this chapter or any rule
56 or regulation promulgated pursuant thereto, shall be liable for a civil

1 penalty not to exceed one thousand dollars for each day, and in addition
2 thereto, such person may be enjoined from continuing such violation.
3 Such person shall for a second violation be liable to the people of the
4 state for a civil penalty not to exceed two thousand five hundred
5 dollars.

6 § 3. Subparagraphs (lx), (lxi), (lxii), (lxiii), (lxiv), (lxv),
7 (lxvi), (lxvii), (lxviii), (lxix), (lxx), (lxxi), (lxxii), (lxxiii),
8 (lxxiv), (lxxv), (lxxvi) and (lxxvii) of paragraph (b) of subdivision 1
9 of section 37-0905 of the environmental conservation law, as added by
10 section 1 of subpart AA of part XX of chapter 55 of the laws of 2020,
11 are amended to read as follows:

12 (lx) [~~Perfluorooctanoic acid (PFOA & related substances) (CAS~~
13 ~~335-67-1)~~] Perfluoroalkyl and polyfluoroalkyl substances as defined in
14 section 37-0101 of this article

15 (lxi) [~~Perfluorooctanyl sulphonic acid and its salts (PFOS) (CAS~~
16 ~~1763-23-1)~~]

17 [~~(lxii)~~] Phenol (CAS 108-95-2)

18 [~~(lxiii)~~] (lxii) Phenol, 4-octyl- (CAS 1806-26-4)

19 [~~(lxiv)~~] (lxiii) P-hydroxybenzoic acid (CAS 99-96-7)

20 [~~(lxv)~~] (lxiv) Propyl paraben (CAS 94-13-3)

21 [~~(lxvi)~~] (lxv) Styrene (CAS 100-42-5)

22 [~~(lxvii)~~] (lxvi) Tetrabromobisphenol A (CAS 79-94-7)

23 [~~(lxviii)~~] (lxvii) Tetrachloroethene (CAS 127-18-4)

24 [~~(lxix)~~] (lxviii) Toluene (CAS 108-88-3)

25 [~~(lxx)~~] (lxix) Tricresyl phosphate (TCP) (CAS 1330-78-5)

26 [~~(lxxi)~~] (lxx) Tri-n-butyl phosphate (TNBP) (CAS 126-73-8)

27 [~~(lxxii)~~] (lxxi) Triphenyl phosphate (TPP) (CAS 115-86-6)

28 [~~(lxxiii)~~] (lxxii) Tris(1-chloro-2-propyl) phosphate (TCPP) (CAS
29 13674-84-5)

30 [~~(lxxiv)~~] (lxxiii) Tris(2-chloroethyl) phosphate (CAS 115-96-8)

31 [~~(lxxv)~~] (lxxiv) Tris(2,3-dibromopropylphosphate) (CAS 126-72-7)

32 [~~(lxxvi)~~] (lxxv) Vinyl chloride (CAS 75-01-4)

33 [~~(lxxvii)~~] (lxxvi) Organohalogen flame retardants

34 § 4. Paragraph (a) of subdivision 2 of section 37-0905 of the environ-
35 mental conservation law is amended by adding a new subparagraph (viii)
36 to read as follows:

37 (viii) Perfluoroalkyl and polyfluoroalkyl substances

38 § 5. This act shall take effect January 1, 2027. Effective immediate-
39 ly, the addition, amendment and/or repeal of any rule or regulation
40 necessary for the implementation of this act on its effective date are
41 authorized to be made and completed on or before such effective date.