



Department of
Environmental
Conservation

Welcome to the NYSDEC

**PFAS In Apparel Law
Pre-Rulemaking Stakeholder Meeting**

August 25, 2025

We will begin shortly. For technical difficulties call: (518) 402-8028

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August 25, 2025 - Enter Access # 2825 390 8814, Password # 93526631

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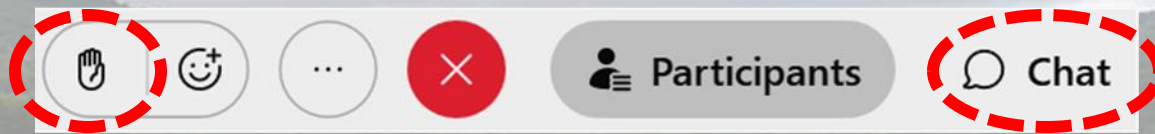


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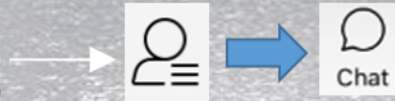
To type in a question or comment, or if you're having technical difficulties, you can use the 'Chat' feature.



To make a verbal comment, please use the 'Raise Hand' feature and we will call on you.

From the Webex Mobile App

Click button at upper right to open Participants Panel, then Chat button at bottom.



INITIAL PFAS IN APPAREL LAW RULEMAKING MEETING

- **Today is an informal, *pre*-rulemaking stakeholder meeting**
- **DEC is authorized to promulgate regulations necessary to implement ECL, Article 37-0121**
- **Goal of regulations is to provide clarity where law does not**

Presenters:

- **Pollution Prevention (P2) Unit Staff**
 - Nicole Orabona (Research Scientist)

Other Panelists:

- Richard Clarkson, P.E. (Director, Division of Materials Management)
- John Vana, P.E. (Director, Bureau of Waste Reduction and Recycling)
- Conor Shea, P.E. (Supervisor, P2 Unit)
- Abigail Sardino (Senior Attorney, Office of General Counsel, P2 Unit Programs)

HOW TO MAKE WRITTEN COMMENTS

Written comments on the information presented today may be submitted after the webinar by USPS mail or by email. Please do not submit written comments via the 'Chat' feature.

Mail to:

Nicole Orabona
NYS DEC – Division of Materials Management
625 Broadway, Albany, NY 12233-7253

E-mail to: PollutionPrevention@dec.ny.gov

Please submit written comments by **September 25th, 2025**

A recording of this presentation and slide deck will be posted to DEC's website by within the next few days.

[Webpage](#)

MODIFICATIONS OUTSIDE SCOPE OF RULEMAKING

- Change the definition of PFAS
- Change the definition of "intentionally added chemicals"
- Change applicable deadlines

****Recommendations for statutory amendment should be directed to the State Legislature.*

AGENDA

Background



Regulatory
Definitions Under
Consideration



Existing Standards &
Regulatory Levels
Under Consideration
in NYS

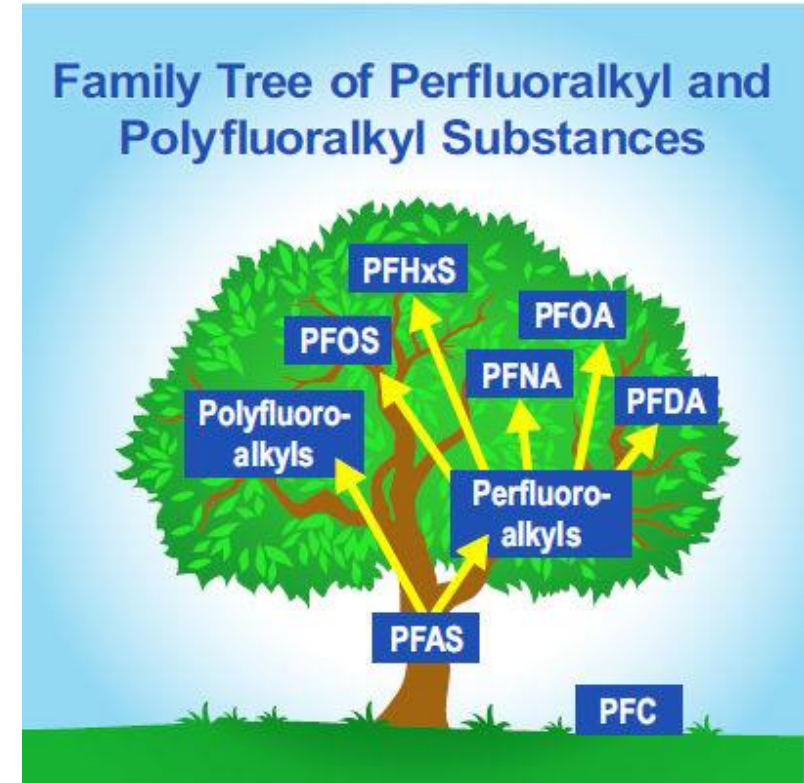




BACKGROUND

DEFINITIONS

- **Per- and polyfluoroalkyl substances (PFAS):** a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom. [37-0101(7)]
- **Intentionally added chemical:**
 - A chemical in a product that serves an intended function or technical effect in the product or product component,
 - Including the PFAS within intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product or product component. [37-0101(4)(a)]



Source

THE LAW



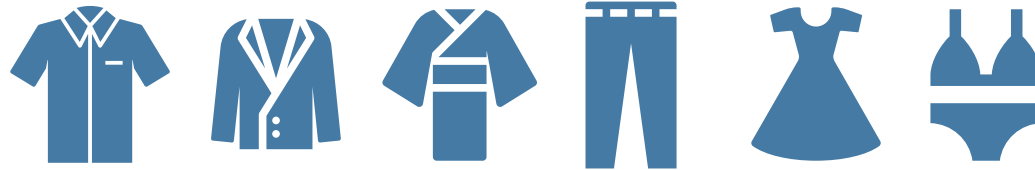
§ 37-0121. Prohibition against the use of perfluoroalkyl and polyfluoroalkyl substances in apparel and outdoor apparel for severe wet conditions.

1. After **January 1, 2025**, no person shall sell or offer for sale in this state any new, not previously used, apparel containing PFAS as *intentionally added* chemicals.
2. In addition to the provisions of subdivision one of this section, one year after the department's adoption of the regulations required by this subdivision, but no later than **January 1, 2027**, no person shall sell or offer for sale in this state any new, not previously used, apparel containing PFAS at or above a level that the department shall establish in regulation.
3. On or after **January 1, 2028**, no person shall sell or offer for sale in this state any new, not previously used, outdoor apparel for severe wet conditions containing PFAS: (a) at or above a level that the department shall establish in regulation, or (b) as intentionally added chemicals.

THE LAW SUMMARIZED

Effective January 1, 2025:

- Prohibition on intentionally added PFAS in apparel.



Effective January 1, 2028:

- Prohibition on intentionally added PFAS in outdoor apparel for severe wet conditions.



COMPLIANCE CLARIFICATION

If you are a MANUFACTURER of apparel or apparel components:

- You can no longer intentionally add PFAS to apparel that will be offered for sale in NYS
- Once regulations are effective, you will need to comply with restriction levels

If you are a RETAILER:

- Contact the manufacturer to ensure products you are selling in NYS are compliant with NYS law and regulations (when they are in effect)
- Obtain a certificate of compliance from manufacturer to ensure you are not subject to potential enforcement



**REGULATORY DEFINITIONS
UNDER CONSIDERATION**

PROPOSED CLARIFICATIONS

"Apparel" includes:

- Clothing items intended for regular wear or formal occasions including, but not limited to, undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, vests, dancewear, suits, saris, scarves, tops, leggings, leisurewear, formal wear, **outdoor apparel**, onesies, bibs, diapers, and other clothing items intended to cover the body.

"Apparel" shall **NOT** include:

- (i) Professional uniforms that are worn to protect the wearer from health or environmental hazards, including personal protective equipment; or
- (ii) Outdoor apparel for severe wet conditions.
 - 'Professional uniform' means apparel that has a distinctive design that an employer requires its employees to wear.
 - 'Health or environmental hazard' means a physical, electrical, chemical, or biological hazard that endangers health and safety.

*Underlined and italicized indicate language DEC is considering adding for clarification.

PROPOSED CLARIFICATIONS (cont.)

"Outdoor apparel" includes:

- Clothing items intended primarily for outdoor activities, including but not limited to, hiking, camping, skiing, climbing, bicycling, and fishing.
- **This term is included in the definition of "apparel"**

"Outdoor apparel for severe wet conditions*" includes:

- Outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide waterproof protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use.
- **Shall NOT include:** outdoor apparel that are water resistant.

*Waterproof versus water resistant standard, where if it is waterproof and otherwise meets the definition of "outdoor apparel for severe wet conditions" then it wouldn't be subject to the restrictions until 2028. If it is water resistant, then it should already be in compliance.

PROPOSED CLARIFICATIONS (cont.)

“Component”

- *An individual assembled part or a uniquely identifiable material or coating (including ink or dye) that is intended to be included as a part of a finished article of apparel.*

DISCUSSION OF DEFINITIONS

- Apparel
- Outdoor Apparel
- Outdoor Apparel for Severe Wet Conditions

Thoughts?

Any other terms in need of defining or that lack clarity?

'Apparel'

Restrictions 1/1/2025

'Outdoor apparel'

Restrictions 1/1/2025

'Outdoor apparel for severe wet conditions'

Restrictions 1/1/2028



**EXISTING STANDARDS &
NYS REGULATORY LEVELS
UNDER CONSIDERATION**

SUMMARY OF CURRENT STANDARDS

| LOCATION/ GOVERNMENT | LAW | STANDARD | SOURCE |
|-------------------------|---|---|----------------------|
| California | AB 1817 | <p><u>1/1/2025</u>: 100 ppm (TOF)</p> <p><u>1/1/2027</u>: 50 ppm (TOF)</p> | Link |
| European Union | Commission Regulation (EU) 2021/1297 of 4 August 2021 amending Annex XVII to Regulation (EC) No 1907/2006 | <p>below 25 ppb for the sum of C9-C14 PFCAs and their salts</p> <p>OR 260 ppb for the sum of C9-C14 PFCA-related substances</p> <p>Applies to the use of these substances in articles</p> | Link |
| European Union | Undecafluorohexanoic acid (PFHxA), its salts and related substances | <p><u>10/7/2027</u>:</p> <p>Sum of PFHxA and its salts: < 25 ppb;</p> <p>Sum of PFHxA related substances: < 1000 ppb</p> <p>Applies to the use of these substances in articles</p> | Link |
| Denmark | 2024/0646/DK (Denmark) | <u>1/1/2026</u> : Prohibition on the import and sale of clothing, footwear and waterproofing agents for clothing and footwear, where these consumer products, as the final product, contain PFAS in concentrations greater than 50 mg F/kg. | Link |
| Japan | Chemical Substances Control Law | <p><u>2/1/2024</u>: PFHxS, its isomers, and salts.</p> <p><u>7/10/2024</u>: PFOA isomers, salts, and related compounds.</p> <p><u>8/1/2024</u>: PFHxS-related compounds.</p> <p><u>9/10/2024</u>: Perfluoro alcanoic acid (branched with 8 carbon atoms (PFOA isomers)) or their salts.</p> <p><u>1/10/2025</u>: PFOA-related compounds, including perfluorooctyl iodide, 8:2 fluorotelomer alcohol, and 138 additional PFOA-related compounds.</p> | Link |

THIRD PARTY CERTIFICATIONS

| CERTIFICATION NAME | PFAS RESTRICTED | TEST METHOD(S) | LIMIT | PRODUCT CATEGORY | SOURCE |
|---|-----------------|----------------|--|--|----------------------|
| OEKO-TEX® | All | TF | <100 mg/kg | Consumer products; eg textiles | Link |
| NSF Certification Guideline 537 | All | TOF | <50 ppm | Nonfood Compounds and Food Equipment Materials | Link |
| Intertek PFAS Free Product Certification | All | TOF | <20 ppm | Not specified | Link |
| GreenScreen Certified | All | TOF | Between < 20 ppm and <1 ppm depending on the product | Not specified beyond “products” | Link |
| Cradle to Cradle Certified Product Standard | All | Not Specified | <1000 ppm (Bronze) <100 ppm (Gold) | All consumer products | Link |
| Nordic Ecolabelling | Not specified | Not Specified | Not Specified | Textiles, hides, skins and leather | Link |
| Green Seal 53, 37, 41 | All | Not Specified | <100 ppm | Cleaning products; eg hand soap, floor cleaners, etc | Link |

AFIRM RESTRICTED SUBSTANCE LIST

| TEST METHOD NUMBER | SAMPLE PREP METHOD | SUBSTANCE | REPORTING LIMIT |
|---|---|--|-----------------|
| EN 14582:2016 or ASTM D7359:2023 [Total Organic Fluorine] | N/A | All PFAS | 50 ppm |
| prEN 17681-1:2024 (textiles); EN ISO 23702-1:2023 (leather) | EN ISO 23702-1:2023 or EN 17681-1:2022 & 17681-2:2022 | Perfluorooctane Sulfonate (PFOS) and its salts | 25 ppb total |
| | | PFOS-related substances | 1000 ppb total |
| | | Perfluorooctanoic Acid (PFOA) and its salts | 25 ppb total |
| | | PFOA-related substances | 1000 ppb total |
| | | Perfluorohexane-1-sulphonic acid (PFHxS) and its salts | 25 ppb total |
| | | PFHxS-related substances | 1000 ppb total |
| | | C9-C14 Perfluorocarboxylic acids (PFCAs) and their salts | 25 ppb total |
| | | C9-C14 PFCA-related substances | 260 ppb total |
| | | PFHxA and its salts | 25 ppb total |
| PFHxA-related substances | 1000 ppb total | | |

NYS RESTRICTION LEVELS UNDER CONSIDERATION

| TEST METHOD | SUBSTANCE | RESTRICTION LEVEL |
|------------------------|--|-------------------|
| Total Organic Fluorine | All PFAS | 50 ppm |
| Targeted PFAS | Perfluorooctane Sulfonate (PFOS) and its salts | 25 ppb total |
| | PFOS-related substances | 1000 ppb total |
| | Perfluorooctanoic Acid (PFOA) and its salts | 25 ppb total |
| | PFOA-related substances | 1000 ppb total |
| | Perfluorohexane-1-sulphonic acid (PFHxS) and its salts | 25 ppb total |
| | PFHxS-related substances | 1000 ppb total |
| | C9-C14 Perfluorocarboxylic acids (PFCAs) and their salts | 25 ppb total |
| | C9-C14 PFCA-related substances | 260 ppb total |
| | PFHxA and its salts | 25 ppb total |
| | PFHxA-related substances | 1000 ppb total |

DISCUSSION OF RESTRICTIONS

- **Restriction Levels Under Consideration:**
 - 50 ppm Total Organic Fluorine for all PFAS testing not specified under target analyte list
 - 25 to 1000 ppb for individual PFAS analytes

****Each component of an article of apparel needs to comply with all of the restrictions.*

****Therefore, if one component of a product exceeds any of the restriction levels, the product would be out of compliance.*

Thoughts?

Considering implementing as a restriction on "any of the above," that is, if a product exceeds any of the restriction levels, it would not comply.



SUMMARY

SUMMARY

- **Definitions**

- "Apparel" and "Outdoor apparel for severe wet conditions"

- **Timeline:**

- Effective as of January 1, 2025:
 - Prohibition on intentionally added PFAS in apparel.
- Effective January 1, 2028:
 - Prohibition on intentionally added PFAS in outdoor apparel for severe wet conditions.

- **Restriction Levels Under Consideration:**

- 50 ppm Total Organic Fluorine for broad PFAS testing
- 25 to 1000 ppb for individual PFAS analytes





OPEN DISCUSSION

NEXT STEPS

- Post this slide deck and webinar recording to DEC's website
- Review of today's discussion and comments received
- Evaluate the need for additional stakeholder meeting(s) prior to developing proposed rule
- Develop proposed rule and release for public comment
- Hold public hearing(s) as rulemaking progresses

Send written comments to:

Nicole Orabona

NYS DEC – Division of Materials Management

625 Broadway, Albany, NY 12233-7253

Or email to: PollutionPrevention@dec.ny.gov

Please submit written comments by

September 25th, 2025

[PFAS in Apparel Webpage](#)

Thank You!



Nicole Orabona

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**Department of
Environmental
Conservation**