Draft
05/02/23
PFAS PREVENTION MODEL ACT

Prepared by the Northeast Waste Management Officials' Association (NEWMOA)

Introduction

In September 2022, the Northeast Waste Management Officials' Association (NEWMOA) Board of Directors approved an initiative for the Association to prepare model legislation for advancing reduction of the use of polyfluoroalkyl substances, commonly called PFAS. The intent of this document is to help address NEWMOA's overarching goal of the "virtual elimination of the environmental releases of PFAS into the environment." Therefore, NEWMOA intentionally designed this draft model legislation as a comprehensive package of provisions.

A committee made up of jurisdiction agency representatives and facilitated by NEWMOA drafted this model legislation. The Draft Model Legislation does not necessarily represent the views of individual Workgroup members or the Agencies they represent, nor is NEWMOA taking an official position regarding the legislation.

The goals of this initiative are to:

- Reduce/eliminate the use of PFAS in consumer products to the extent feasible.
- Identify and implement source reduction programs.
- Ensure that the substitutes for PFAS in products are safer and that there are no regrettable substitutes.
- Coordinate product disclosure, labeling, bans, phase-outs, source reduction, and end-of-life collection on a multi-jurisdiction basis.
- Help consumers identify products containing PFAS and learn how to properly handle them.
- Provide regulated entities with regulatory certainty.

The overarching principles that inform this model aim to:

- Aspire to a marketplace of PFAS-free products made from safe and healthy chemical ingredients.
- Eliminate non-essential uses of PFAS and promote safer alternatives.
- Reinforce the fundamental right to know by all stakeholders about the PFAS chemicals in products.
- Disclose all intentionally added PFAS ingredients, including PFAS that may be added to products through manufacturing, processing, or storage (note: disclosure is the sharing of chemical ingredient information with the public and across supply chains and is critical to promoting the use of safer chemicals and products).
- Make accurate PFAS ingredient information easily accessible to consumers, government agencies, manufacturers, brands, retailers, and others in the supply chain.

As part of the regional effort to implement these recommendations, NEWMOA has drafted this discussion document in the form of model legislation (see below).

As a synthesis of numerous complementary approaches, the model provides a comprehensive framework to help jurisdictions develop more consistent approaches to addressing PFAS and PFAS-containing products. Similar regional approaches have been proven successful in other areas, particularly the jurisdiction's experience with toxics in packaging legislation passed starting in the early 1990s, mercury in production legislation passed starting in the early 2000s, and other bills related to high priority chemicals of concern passed throughout the 2000s. By sharing their experiences and expertise the jurisdiction agencies will avoid duplication of efforts and research, thereby saving time and money. Product manufacturers will also benefit from having more consistent requirements throughout the region and nationally.

This document presents a menu of policy options for state policy makers to consider. The draft model includes provisions and concepts that reflect current efforts to reduce PFAS use and minimize PFAS releases. The designers do not view the model as a set of provisions that must all be enacted together or at the same time. The model is designed to present a flexible set of concepts/options from which the jurisdiction policy makers can choose those that meet their jurisdictional priorities. However, it is important that jurisdictions implement their efforts as consistently as possible for each option implemented.

NEWMOA developed this document and included policy concepts for consideration by the jurisdictions in the Northeast. These concepts may also be useful as models for other jurisdictions and for efforts at the national level.

Most of the elements in the model have already been included in jurisdiction legislation and regulations addressing PFAS and/or other contaminants adopted or proposed in one or more jurisdictions. The following provides a guide to the jurisdictions that have proposed or passed legislation, as of March 2023, containing the noted sections of the draft bill (note sections 1-3 are common elements of such legislation, such as definitions):

Section 4	**Interstate Clearinghouse**: Modeled after the Toxics in Packaging Clearinghouse (TPCH) enacted laws in 19 states, the Interstate Mercury Education and Reduction Clearinghouse (IMERC) and the Interstate Chemicals Clearinghouse (IC2).
Section 5	**Notification**: Modeled after mercury reduction legislation enacted in CT, LA, ME, MA, NH, NY, RI, and VT and the ME DEP PFAS law.
Section 6	**Restrictions on Sale of PFAS-added Products**: Modeled after the Toxics in Packaging Clearinghouse (TPCH) enacted or proposed and mercury reduction legislation product bans and phaseouts enacted by many states.
Section 8	**Labeling of PFAS-added Products**: Modeled after mercury labeling legislation enacted in CT, LA, ME, MA, MN, NH, RI, and VT.
Section 9	**Producer Responsibility for PFAS containing products**: Modeled after other Extended Producer Responsibility (EPR) laws.

Stakeholder Review

This Discussion Document was released to stakeholders via the web (www.newmoa.org) on May 2, 2023 for a 60-day comment period ending on July 1, 2023. NEWMOA held a national webinar to share a draft of the model legislation with representatives of various stakeholder groups, including manufacturers, trade associations, environmental organizations, local and state government agencies, solid waste management firms, community groups, and others on May 10, 2023.

Section 1. An Act Concerning PFAS Reduction and Education

Section 2. The legislature finds and declares that:

a. Perfluoroalkyl and polyfluoroalkyl substances, or PFAS, are a persistent and toxic class of pollutants that bioaccumulate in the environment.

b. Contamination of soil and water in the jurisdiction from PFAS poses a significant threat to the environment of the jurisdiction and to the health of its citizens.

c. Jurisdiction public health and environmental authorities in the Northeast and elsewhere have established standards and advisories ranging from 5.1 ppt to 140,000 ppt for targeted PFAS compounds in drinking water. The United States Environmental Protection Agency has published interim health advisories for PFAS compounds ranging from 0.004 ppt to 2000 ppt for targeted compounds in drinking water. Adverse health effects associated with PFAS include kidney and liver damage, decreased immune system function, interference with vaccine update, developmental and reproductive harm, increased risk of asthma, increases in cholesterol levels, increased thyroid disorders and other hormone disruption and increased incidences of testicular and kidney cancer for those with high exposure.

d. The extent of PFAS contamination in the States is widespread and is requiring a significant expenditure of resources to address.

e. PFAS have been and continue to be utilized in a broad range of products for their water and stain resistant properties, including clothing and other textiles, packaging, food ware, cleaning products, cosmetics and other personal care products, class B firefighting foam, surface waxes, ski wax, and much more despite the growing body of evidence that these materials may leach into food, water supplies, and even the human body through prolonged exposures. PFAS from these sources can contaminate drinking water and the environment in multiple ways, including through washing, disposal in landfills, and incineration, in addition to impacts on workers and communities in manufacturing locations and global circulation of these persistent chemicals.

f. To address the imminent threat of further contamination of soil and water in the Jurisdiction, it is imperative to collect information regarding the use of PFAS in products and to phase out the sale of certain products containing PFAS.

g. Exposure to products that contain PFAS compounds and associated environmental releases poses a significant public health threat.

h. Because of this threat, all of the Northeastern and many outside of the region jurisdictions have been conducting widespread monitoring of drinking water, landfill leachate, wastewater, stormwater, surface water, groundwater, biosolids and other environmental

media for targeted PFAS compounds, and, if found at levels above regulatory standards or acceptable risk levels, and are, taking steps to mitigate the risks by providing alternative drinking water sources, installing treatment systems, and remediating contamination. All of these measures are expensive and place a heavy burden on municipal and state governments.

i. PFAS in consumer products are a major source of PFAS contamination in the Northeast and elsewhere.

j. Removal of PFAS containing products from the waste stream prior to sale and use is an effective way to reduce PFAS at waste management and other facilities.

k. Manufacturers of certain PFAS-added products have been successfully researching and identifying safer alternatives and phasing in those uses and phasing out those that contain PFAS.

l. A visible label on the product and/or its packaging increases effective consumer education, encourages informed purchasing, and bolsters participation in programs designed to separate, collect, and properly manage or recycle PFAS-added products.

m. Jurisdiction procurement of environmentally responsible products can improve the markets for non-PFAS-added products.

n. The intent of this Act is to achieve significant reductions in environmental PFAS by encouraging the establishment of effective state and local source reduction, recycling, and management programs while continuing to spur economic development.

o. In the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of [Jurisdiction] and require the following legislation as immediately necessary for the preservation of the public peace, health, and safety.

Section 3. Definitions (adapted from the mercury model legislation, Toxics in Packaging Clearinghouse model legislation, and existing PFAS laws)

"Alternative" means: a substitute process, product, material, chemical, strategy, or combination of these that has been evaluated and serves a functionally equivalent purpose to a PFAS in a product that has less risk to human health or the environment than use of PFAS in the product.

"Chemical" means: a substance with a distinct molecular composition or a group of structurally related substances and includes the breakdown products of the substance or substances that form through decomposition, degradation, or metabolism.

"Credible scientific evidence" means: the results of a study, the experimental design and conduct of which have undergone independent scientific peer review, that are published in a peer-reviewed journal or in a publication of an authoritative federal, state, or international

governmental agency, including but not limited to State Environmental and Public Health Agencies; the United States Department of Health and Human Services; National Toxicology Program; Food and Drug Administration and Centers for Disease Control and Prevention; the United States Environmental Protection Agency; the World Health Organization; and the European Union, European Chemicals Agency.

"Currently unavoidable use" means: a use of PFAS that the [Agency] has determined by rule to be essential for health, safety, or the functioning of society for which alternatives are not reasonably available.

"Intentionally added PFAS" means: the PFAS added to a product or one of its product components, or PFAS or precursors added to a product during its manufacture, processing, packaging, or storage. "Intentionally added PFAS" also includes any degradation by- products of PFAS. The use of PFAS or precursors as a processing agent, mold release agent or any other source of PFAS in the product that is reasonably known to be present is considered intentional introduction for the purposes of this Act.

"Manufacturer" means: any person, firm, association, partnership, corporation, organization, combination, or joint venture which produces a PFAS-added product, or an importer or domestic distributor of a PFAS-added product produced in a foreign country. In the case of a multi-component PFAS-added product, the manufacturer is the last manufacturer to produce or assemble the product. If the multi-component product is produced in a foreign country, the manufacturer is the importer or domestic distributor.

"Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means: all members of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

"PFAS-added product" means: (1) a product, commodity, chemical, or a product component that was manufactured after the effective date of this act; and (2) that contains PFAS intentionally added to the product, commodity, chemical, or product component. These products include formulated PFAS-added products, packaging, and fabricated PFAS-added products.

"Precursor" means: a chemical involved in a reaction that produces a PFAS compound.

"Product" means: an item manufactured, assembled, packaged, or otherwise prepared for sale to consumers, including its product components, sold, or distributed for personal, residential, commercial, or industrial use, including for use in making other products.

"Product component" means: an identifiable component of a product, regardless of whether the manufacturer of the product is the manufacturer of the component.

"Retailer" means: a person who sells a PFAS-added product in the Jurisdiction through any means, including a sales outlet, a catalogue, the telephone, the Internet, or any electronic means.

Section 4. Interjurisdiction Clearinghouse

a. The [agency] is authorized to participate in the establishment and implementation of a multi-jurisdiction clearinghouse to assist in carrying out the requirements of this Act and to help coordinate collection and reviews of the manufacturers' notifications regarding PFAS-added products, applications for phase-out exemptions, the collection system plans, applications for alternative labeling/notification systems, education and outreach activities, and any other related functions. The clearinghouse may also maintain a database of all products containing PFAS, including PFAS-added products; a file on all exemptions granted by the participating jurisdictions; a file on alternative labeling plans; and a file of all the manufacturers reports on the effectiveness of their collection systems.

b. Public disclosure of confidential business information submitted to the [agency] pursuant to this section shall be governed by the requirements of the [jurisdiction's freedom of information act]. Notwithstanding the requirements of the [jurisdiction's freedom of information act] the jurisdiction may provide the interjurisdiction clearinghouse with copies of such information and the [agency] interjurisdiction clearinghouse may compile or publish analyses or summaries of such information provided that the analyses or summaries do not identify any manufacturer or reveal any confidential information.

Section 5. Notification

A manufacturer of a product for sale in the [Jurisdiction] that contains intentionally added PFAS shall comply with the requirements of this subsection.

a. After two years from the effective date of this Act no PFAS-added product shall be offered for final sale, use, or distribution for promotional purposes in [Jurisdiction] without prior notification in writing by the manufacturer of the product to the [agency] in accordance with the requirements of this section. Such notification shall at a minimum include:

    i. A brief description of the product to be offered for sale, used, or distributed.

    ii. The purpose for which PFAS are used in the products or packaging, including any product or packaging components.

    iii. The amount of each of the PFAS or subgroups as defined by the regulatory agency, identified by name and all relevant chemical abstract service (CAS) registry numbers, in the product or packaging, reported as an exact quantity determined using available analytical methods or as falling within a range approved for reporting purposes by the [agency] in each unit of the product or packaging.

iv. The total amount of intentionally added PFAS contained in all products manufactured by the manufacturer and distributed in a year; reported every three years.

v. The name and address of the manufacturer, and the name, address, and phone number of a contact person for the manufacturer.

vi. Any additional information established by the [agency] by rule as necessary to implement the requirements of this section.

vii. With the approval of the [agency], a manufacturer may supply the information required in paragraph (a) for a category or type of product rather than for each individual product.

b. The manufacturer shall update and revise the information in the notification whenever there is a change in the information, when requested to do so by the [agency], or every three years. The [agency] may define and adopt specific requirements in accordance with [jurisdiction administrative and public participation requirements] for the content and submission of the required notification.

c. A person may not sell, offer for sale, or distribute for sale in the [Jurisdiction] a product containing intentionally added PFAS if the manufacturer has failed to provide the information required in this subsection.

Section 6. Restrictions on the Sale of Certain PFAS-added Products

a. Product ban. Within three years of the adoption of this Act, no product with PFAS-added (in any amount) shall be offered for final sale or use or distributed for promotional purposes in [jurisdiction] unless the [agency] has determined the addition of PFAS to be a currently unavoidable use of PFAS pursuant to subsection (c) of this section.

b. Inventory take back. A manufacturer subject to the restrictions contained in subsection (a) of this section shall notify retailers of this restriction and of the takeback program contained in Section 9.

c. Currently unavoidable use of PFAS. Manufacturers may apply for a waiver for up to five years to the product ban if they meet each of the following criteria. To claim exemption under this section the manufacturer must notify the [agency], in writing, of the credible scientific evidence addressing all elements I.-VI. below, justifying the currently unavoidable use and provide the legal justification for the claim. The [agency] shall make a decision considering the following criteria:
    i. Whether the product is determined to be beneficial to the environment or protective of public health or protective of public safety, the recycling of PFAS-added products may be determined to be an activity that is beneficial to the

environment, and

ii. There is no technically feasible alternative that has less risk to human health or the environment to use of PFAS in the product, and

iii. There is no comparable non-PFAS-added product available at a reasonable cost, and

iv. The manufacturer is participating in a collection program for the products as required by Section 9, and

v. The product will be labeled in accordance with Section 8, and

vi. The manufacturer will continue to notify on products in accordance with Section

d. Renewal of currently unavoidable use determination. A manufacturer may apply for a renewal of a determination that the product constitutes a currently unavoidable use of PFAS in the same manner as an original application. Renewals shall not be for more than two years.

e. Federal preemption. Any PFAS-added product for which federal law governs notice in a manner that preempts jurisdiction authority shall be exempt from the requirements of this section. The manufacturer shall notify the [agency] that the product ban is preempted. If the [agency] agrees with the manufacturer's assessment, the [agency] may exempt the product under this section. A product exempt under this section shall still be required to comply with the notification requirement under Section 5 and the labelling requirement of Section 8.

Section 7. Certificate of Compliance.

a. Upon request by the [agency], a Certificate of Compliance, or copies thereof, stating that the product is in compliance with the requirements of this Act shall be furnished by its manufacturer or supplier to the [agency].

b. Where compliance is achieved under any jurisdiction exemption(s) provided in Section 6, the Certificate of Compliance shall state the specific basis upon which the exemption is claimed.

c. The Certificate of Compliance shall be signed by an authorized official of the manufacturing or supplying company. The purchaser shall retain the Certificate of Compliance for as long as the product is in use. A copy of the Certificate of Compliance shall be kept on file by the manufacturer or supplier of the product. A manufacturer or supplier may make the Certificate of Compliance available on their company website or through an authorized representative of the company such as an interjurisdiction clearinghouse.

d. If the manufacturer or supplier of the product reformulates or creates a new product, the manufacturer or supplier shall provide an amended or new Certificate of Compliance for the reformulated or new product component to the [agency].

e. If there are grounds to suspect that a product is being offered for sale in violation of this chapter, the [agency] may request that the manufacturer or distributor of the product provide a certificate of compliance with the applicable provisions of this chapter.

f. Within 30 days of receipt of a request under this subsection, the manufacturer or distributor shall:

i. Provide the [jurisdiction administrative agency] with the certificate attesting that the product does not contain a chemical regulated under this act; or

ii. Notify persons who sell the product in this Jurisdiction that the sale of the product is prohibited and provide the [jurisdiction] with a copy of the notice and a list of the names and addresses of those notified.

Section 8. Labeling of PFAS-Added Products

a. No product that has been determined to have a currently unavoidable use of PFAS may be offered for final sale, used, or used in promotional materials in the [jurisdiction] unless that product is labeled in accordance with this section.

b. Where a PFAS-added product is a component of another product, the product containing the component and the component must both be labeled. The label on a product containing a PFAS-added component shall identify the component with sufficient detail so that it may be readily located for removal.

c. All labels must be clearly visible prior to sale and must inform the purchaser, using words or symbols approved by the [agency], that PFAS is present in the product and that the product should be recycled in accordance with the producer responsibility program established in Section 9.

d. Labels affixed to the product shall be constructed of materials that are sufficiently durable to remain legible for the useful life of the product.

e. Responsibility for product and package labels required under this section shall be on the manufacturer, and not on the wholesaler or retailer unless the wholesaler or retailer agrees with the manufacturer to accept responsibility in conjunction with implementation of an alternative to the labeling requirements of this section approved under subsection "f." In the case of a multi-component product the responsible manufacturer is the last manufacturer to produce or assemble the product or, if the multi-component product is

produced in a foreign country, the responsible manufacturer is the importer or domestic distributor.

f. Alternative Methods of Public Notification

i. A manufacturer may apply to the [agency] for an alternative to the requirements of this section where: strict compliance with the requirements is not feasible; or the proposed alternative would be at least as effective in providing pre-sale notification of PFAS content and in providing instructions on proper disposal; or federal law governs labeling in a manner that preempts jurisdiction authority.

ii. Applications for an alternative to the requirements of this section must: (1) document the justification for the requested alternative; (2) describe how the alternative ensures that purchasers or recipients of PFAS-added products are made aware of PFAS content prior to purchase or receipt; (3) describe how a person discarding the product will be made aware of the product stewardship program administered pursuant to Section 9; (4) document the readiness of all necessary parties to implement the proposed alternative; and (5) describe the performance measures to be utilized by the manufacturer to demonstrate that the alternative is providing effective pre-sale notification and pre-disposal notification.

iii. The [agency] may grant, deny, modify, or condition a request for an alternative to the requirements of this section. Prior to approving an alternative, the [agency] shall consult with neighboring jurisdictions and others to ensure that its labeling requirements are consistent with those of other governments in the region. Such a waiver shall be for a period of no more than three years and may, upon continued eligibility under the criteria of this section and compliance with the conditions of its prior approval, be renewed at three-year intervals.

Section 9. PFAS containing products; producer responsibility.

a. Within three years of the adoption of this Act, no product that has been determined to have a currently unavoidable use of PFAS shall be offered for final sale or use or distribution for promotional purposes in [jurisdiction] unless the manufacturer either on its own or in concert with other persons has submitted a plan for a convenient and accessible collection system for such products when the consumer is finished with them and such a plan has received approval of the [agency]. Where a PFAS-added product is a component of another product, the collection system must provide for removal and collection of the PFAS-added component or collection of both the PFAS-added component and the product containing it.

b. The collection system plan shall include the following elements:

i. A public education program to inform the public about the purpose of the collection program and how to participate in it.

ii. A targeted capture rate for the PFAS-added products or components.

iii. A plan for implementing and financing the collection system.

iv. Documentation of the willingness of all necessary parties to implement the proposed collection system.

v. A description of the performance measures to be utilized and reported by the manufacturer to demonstrate that the collection system is meeting capture rate targets and other measures of program effectiveness as required by the [agency].

vi. A description of additional or alternative actions that will be implemented to improve the collection system and its operation in the event that the program targets are not met.

c. A comprehensive public education, outreach, and assistance program for households, hazardous waste generators, local and regional solid waste management agencies, small businesses, health care facilities, scrap metal facilities, dismantlers, institutions, schools, and other interested groups in concert with other relevant jurisdiction agencies. This public education, outreach, and assistance program should focus on the hazards of PFAS; the requirements and obligations of individuals, manufacturers, and agencies under this law; and voluntary efforts that individuals, institutions, and businesses can undertake to help further reduce PFAS in the environment. The [agency] shall cooperate with manufacturers of PFAS-added products and other affected businesses in the development and implementation of public education and technical assistance programs.

d. In developing a collection system plan, manufacturers are encouraged to utilize or expand on existing collection and recycling infrastructure where feasible and cost-effective. If the manufacturer has elected not to utilize existing local collection and recycling infrastructure, the manufacturer shall include in its collection system plan the reasons for its decision to establish a separate collection system.

e. Within a year of the jurisdiction approval of the collection system plan, the manufacturer or entity that submitted the plan on behalf of the manufacturer shall ensure that a convenient and accessible recovery system for the users of those products is in full operation.

f. Two years following the implementation of the collection system plan required under this section and biennially thereafter, the manufacturer or entity that submitted the plan on behalf of the manufacturer shall be required to submit a report on the effectiveness of the collection system. The report shall include an estimate of the amount of PFAS that was diverted, the capture rate for the PFAS-added products or components, the results of the other performance measures included in the manufacturers collection system plan, and

such other information as the [agency] may require. Such reports shall be made available to the public by the [agency].

g. The cost for the collection system must be borne by the manufacturer or manufacturers of PFAS-added products. No person may charge a consumer a direct point-of-sale or direct point-of-collection fee to recoup the costs associated with meeting the obligations under this title.

h. Manufacturers must specify the ultimate fate of the collected materials and document that environmental releases of PFAS have been prevented.

i. The [agency] shall review the regulatory framework governing handling of waste from PFAS-added products and may revise, if necessary, its rules as appropriate to facilitate collection.

j. PFAS-added formulated products intended to be totally consumed in use, such as cosmetics, pharmaceuticals, and other laboratory chemicals, shall be exempt from the requirements of this section.

Section 10. Jurisdiction Procurement Preferences for Non-PFAS-Added Products

a. Notwithstanding other policies and guidelines for the procurement of equipment, supplies, and other products, the [jurisdiction procurement administrator] shall, within 3 years of the effective date of this section, revise its policies, rules, and procedures to implement the purposes of this Act.

b. The [jurisdiction procurement administrator] shall give priority and preference to the purchase of equipment, supplies, and other products that contain no PFAS-added compounds or components, unless there is no economically feasible non-PFAS-added alternative that performs a similar function. In circumstances where a non-PFAS-added product is not available, preference shall be given to the purchase of products that contain the least amount of PFAS-added to the product necessary for the required performance.

i. The [jurisdiction procurement administrator] is authorized to give a price preference of up to ____ percent for products that contain no PFAS or less PFAS.

ii. This priority and preference shall apply to all jurisdiction purchases, as well as any purchases made by others with jurisdiction funds.

iii. The procurement agent shall specify non-PFAS or reduced PFAS-added products, as applicable, in procurement bid documents.

Section 11. Rulemaking

[Each jurisdiction to add its own Rulemaking Provisions.]

Section 12. Enforcement & Penalties

A violation of any of the provisions of this law or any rule or regulation promulgated pursuant thereto shall be punishable in the case of a first violation, by a civil penalty not to exceed ____ dollars. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed _____ dollars for each violation.

[Each jurisdiction may add additional enforcement provisions.]

Section 13. Public Notification and Review

[Each jurisdiction to add its own Public Notification and Review Provisions.]

Section 14. Jurisdiction Review

The [agency] shall review the effectiveness of this Act in consultation with the Interjurisdiction Clearinghouse no later than 4 years after its adoption and shall provide a report based upon that review to the Governor and the legislature. The report shall review the effectiveness of the programs required under the Act and may contain recommendations for improving them. As part of this review, the jurisdiction [responsible administrative agency] shall evaluate the effectiveness of the collection systems established under this Act and determine whether additional jurisdiction authority or targeted capture rates are needed to improve those systems. In addition, through this review process, the [responsible administrative agency] shall evaluate the need for additional incentives for manufacturers of PFAS-added products that are not banned or phased-out under this law. The [agency] shall update and publish the report four and eight years after the effective date of this Act.

Section 15. Severability Clause

[Each jurisdiction to add its own severability clause.]

Section 16. Effective Date

This Act shall become effective immediately upon adoption.

Section 17. Administrative Fees and Regulations

The [responsible administrative agency] may impose fees sufficient to cover the costs of administering the provisions of this Act, including participation in a multi-jurisdiction clearinghouse to assist in carrying out the requirements of this Act and to help coordinate

collection and reviews of the manufacturers' notifications regarding PFAS-added products, applications for phase-out exemptions, the collection system plans, applications for alternative labeling/notification systems, education and outreach activities, and any other related functions as described in Section 4 of this Act. The [responsible administrative agency] may adopt regulations to implement the provisions of this Act consistent with the policies and purposes of this Act.

Section 18. Appropriations

[Each jurisdiction to add its own appropriations provisions.]