

Product Regulation

Broad Bans on PFAS Will Affect Almost Every Major California Sector

California's ongoing legislative efforts to impose sweeping bans on per- and polyfluoroalkyl substances (PFAS) risk creating far-reaching economic, regulatory, and environmental consequences in the state.

SB 903 (Skinner; D-Berkeley), which was rejected last session by the Legislature, proposed prohibiting all products containing PFAS unless a "currently unavoidable use" determination was granted by the Department of Toxic Substances Control (DTSC). Such a policy would have affected clean energy, aerospace, agriculture, medical devices, computers, semiconductors, manufacturing, building materials and much more. While this legislation failed, proponents are likely to reintroduce similar proposals in the next session.

OVERGENERALIZATION OF PFAS CHEMISTRY

PFAS are not a singular chemical but a diverse family of compounds with unique properties and applications. These substances play vital roles in industries ranging from medical devices and clean energy to electronics and aerospace. Fluoropolymers, a critical subset of PFAS, are indispensable for products like electric vehicle batteries, solar panels, conduits and surgical devices. [SB 903](#) treated all PFAS as equally harmful, ignoring differences in their health and environmental profiles. This "one-size-fits-all" approach disregards scientific distinctions and fails to recognize the essentiality of certain PFAS in supporting California's economic and environmental goals.



Further, relying upon a state agency to process tens if not hundreds of thousands of petitions seeking an exemption is not an implementable or efficient solution. Policies that ban products in California first while DTSC combs through exemption applications will devastate the California economy. The Legislature should take a closer look at which PFAS chemistries are actually unnecessary and contaminating drinking water supplies and then direct DTSC to prioritize regulatory action for those chemistries.

IMPLEMENTATION CHALLENGES IN OTHER JURISDICTIONS

Attempts to enforce similar bans in other regions underscore the practical difficulties of such overly broad legislative policies. In Maine, for example, a 2021 PFAS ban has led to extensive delays and confusion across sectors. The Maine Department of Environmental Protection has issued more than 2,400 extensions for compliance with its PFAS reporting requirements due to challenges such as complex supply chains, limited testing capacity, and inadequate protections for confidential business information. A number of companies also announced that if no exemptions or changes were made, they would be forced to leave the state altogether. These logistical hurdles have resulted in suspended rulemaking and multiple legislative amendments to address the policy's shortcomings.

The European Union has faced similar obstacles. A broad PFAS restriction proposal sparked thousands of industry comments highlighting the lack of viable alternatives and the potential for significant economic and sustainability disruptions for key priorities like clean energy deployment. Delays in implementation across jurisdictions, both domestically and abroad, reflect the complexity of regulating such a diverse group of chemicals and the unintended consequences of overly broad bans where its application is vital.

IMPACT ON CALIFORNIA'S CLIMATE GOALS

A blanket PFAS ban would conflict directly with California's ambitious climate policies. PFAS materials are critical for the performance and reliability of clean energy technologies such as solar panels, wind turbines, and electric vehicle components. Eliminating these materials without adequate substitutes would jeopardize the state's ability to transition to renewable energy and electrify its transportation sector.

Moreover, such a policy could stifle innovation and economic growth in green industries where California is a national leader. For example, PFAS are essential in manufacturing hydrogen fuel cells, a key technology in decarbonizing heavy industries. PFAS is also being used in heating, ventilation, and air conditioning (HVAC) in the United States to substantially lower the global warming potential (GWP) of refrigerants, which in turn reduces greenhouse gas (GHG) emissions while also maintaining energy efficiency. The most used refrigerants today, known as hydrofluorocarbons (HFCs), have a much higher GWP and need to be replaced if the state is serious about addressing climate change.

By imposing unnecessary barriers to these applications through bans, California would undermine the state's progress in reducing greenhouse gas emissions and advancing a net zero carbon economy.

REGULATORY UNCERTAINTY AND ECONOMIC RISKS

Proponents of SB 903 outlined a petition process requiring



manufacturers to prove that PFAS use in their products is “unavoidable,” but provided no clear criteria or timelines for DTSC's determinations. This vagueness risked inconsistent enforcement, exposing businesses to regulatory uncertainty and litigation. In addition, the sheer volume of products affected — spanning medical devices, electronics, and industrial applications — would overwhelm DTSC under vague guidelines to process tens if not hundreds of thousands of exemption applications, not to mention impose significant compliance costs on industries as products are forced out of the market pending approval.

California already possesses robust tools under its Safer Consumer Products Program and can leverage recent federal PFAS reporting requirements to regulate these substances in a more targeted and effective manner.

CALCHAMBER POSITION

While the responsible management of PFAS is essential, California should pursue policies grounded in science and practicality. Instead of an indiscriminate ban, the state should focus on targeted measures that address specific risks, prioritize high-exposure applications, and encourage the development of safer alternatives. Leveraging existing federal and state programs would ensure a more efficient and scientifically sound approach to regulating PFAS without undermining economic and environmental priorities for California.



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