

## New York

### Enacted Legislation

Name (bill number)	Year	PFAS Addressed	Agency Responsible	Summary of Action	Citation
A4739C	2019	PFAS	Department of Environmental Conservation (DEC) (link)	Amends a portion of the environmental conservation law by defining "food packaging" and "PFAS substances". Adds a new section to the law prohibiting the distribution or sale of food packaging containing intentionally-added PFAS.	NY Enviro Conser Sec 37-0203, 37-0209
S439A / A445A	2019	PFAS	Office of fire Prevention and Control (OFPC)	Prohibits use of class B firefighting foam containing PFAS and requires class B firefighting foam manufacturers to notify distributors and recall the products. Requires manufacturers of firefighting PPE containing PFAS to notify purchasers. OFPC shall develop regulations to provide guidance in avoiding AFFF.	NY Exec Sec 159-b; Repealed day it was to become effective.
S1504D / A2004D	2019	PFAS	Appropriations bill.	Allocates funding for the removal and disposal of PFAS-containing AFFF from municipal fire and emergency response departments. Allocates funds for the State University of New York at Stony Brook to provide for a new laboratory testing facility for PFOA and other chemicals.	N/A

A6296	2019	PFAS		Relates to regulation of toxic chemicals in children's products. PFAS are listed amongst other chemicals as "chemicals of concern". This bill requires that there is a list of dangerous chemicals posted, that these chemicals are reviewed, and that they are not found in children's products that are sold, distributed, or offered for sale.	N.Y. Env't Conserv. Law § 37-0901 et seq.
S8817	2020	PFAS		Amends a portion of the environmental conservation law by defining "food packaging" and "PFAS substances". Adds a new section to the law prohibiting the distribution or sale of food packaging containing intentionally-added PFAS.	N.Y. Env't Conserv. Law § 37-0203
A9952B / A7880B	2020	PFAS	DEC	Prohibits the incineration of aqueous film-forming foam containing perfluoroalkyl and polyfluoroalkyl substances in cities with an environmental justice area designated by the Department of Environmental Conservation (DEC).	N.Y. Env't Conserv. Law § 27-8927 *not currently in force
S7167	2020	PFAS	Office of Fire Protection and Control	Places restrictions on the sale and use of firefighting equipment containing PFAS chemicals to reduce the use of PFAS chemicals in firefighting activities; repeals certain provisions of the executive law related to reducing the use of PFAS chemicals in firefighting activities.; passed and signed	NY Gen Bus. Sec 391-u; NY Gen Mun Sec 204-g

S1759A / A126A	2021	PFAS	Dept of Health	Directs the commissioner of health to establish the first list of emerging contaminants and to include various PFAS on the list. The commissioner shall update the list every three years; passed and signed	NY Pub Health § 1112
A9279A / S5027C	2022	PFAS	Department of Environmental Conservation (DEC)	Carpet producers shall submit to the DEC a plan for the establishment of a carpet collection program. Beginning December 31, 2024, prohibits the sale of carpets containing perfluoroalkyl and polyfluoroalkyl substances. Includes broadloom carpet, modular carpet tiles, artificial turf, and pads or underlayment used in conjunction with carpet. Program launch is set for July 1st, 2026.	NY Envir Conser Sec 27-3313
S1322/ A994	2023	PFAS	DEC	Prohibits the sale of new apparel containing intentionally-added PFAS, beginning January 1, 2025. Prohibits the sale of new outdoor apparel for severe wet conditions containing intentionally-added PFAS, beginning January 1, 2028.  Includes a wide range of clothing items for regular wear, formal occasions, and outdoor activities, excluding certain professional uniforms and specialized outdoor apparel for severe wet conditions  Sellers must obtain compliance certifications from manufacturers confirming adherence to PFAS restrictions.	NY Envir Conser Sec 37-0121

### Enacted Regulations

Name	Year	PFAS Addressed	Authorizing Statute	Summary of Action	Citation
Drinking Water Regulations	2020	PFOA - 0.0000100 mg/L (10 ppt) PFOS- 0.0000100 mg/L (10 ppt)		Establishes MCLs for two PFAS	10 NY ADC 5-1.51, 5-1.52
Hazardous Substances Identification, Release Prohibition, and Release Reporting	2017	PFOA, PFOS		Adds PFOA and PFOS and their salts to the list of hazardous substances at 6 NYCRR section 597.3. Allows continued use of AFFF containing PFOA or PFAS to fight fires but not for training purposes. Sets reportable quantity for air, land, and water at 1 pound.	6 NYCRR Part 597

### Other Administrative Action (executive orders, fish advisories, drinking water advisories)

What	Year	Who	PFAS Addressed	Summary of Action
Fish Advisories	2024	DOH/DEC	PFAS	2024 fish advisories contain multiple waterways with fish advisories for PFAS. <a href="#">Detailed advisories</a>
<a href="#">Fish Advisories</a>	2023	DOH/DEC	PFAS	Advisory for PFAS in fish for specific water bodies in the Leatherstocking/Central region and the Long Island Region. based on 2019 guidelines developed by the Great Lakes Consortium for Fish Consumption Advisories, an interstate collaborative that includes New York State's fish advisory program.

<a href="#">Fish Advisories</a>	2023	DOH/DEC	PFAS	<p>Threemile Creek (Leatherstocking Region): don't eat fish from this water body and practice catch and release as an alternative.</p> <p>Mohawk River/Erie Canal (Leatherstocking Region): rock bass, smallmouth bass, walleye, and yellow perch may be eaten up to 1 meal a month by the general population (people beyond their childbearing years and those who do not bear children) while the sensitive population should not eat them at all.</p> <p>Peconic Lake/Peconic River between the Edwards Ave. Dam and the Peconic Lake Dam (Long Island - Freshwater): yellow perch can be eaten up to 1 meal a month for the general population while the sensitive population should not eat.</p>
<a href="#">Fish Advisories</a>	2020	DOH	PFAS	<p>PFOS guidelines that closely align with advisory protocols used by other Great Lakes states based on <a href="#">Best Practice for Perfluorooctane Sulfonate (PFOS) Guidelines</a> developed with the Great Lakes Consortium for Fish Consumption Advisories.</p> <p>DOH adopted the Consortium Best Practice advisory guidelines for the General Population, but opted for stricter guidelines for the Sensitive Population when PFOS concentrations range between 50 and 200 ppb.</p>
<a href="#">Guidelines for the Evaluation and Control of Ambient Air Contaminants under 6 NYCRR Part 212</a>	2021	DEC Division of Air Resources	PFOA	<p>Outlines the procedures to be used by permit applicants and DEC staff for evaluating emissions of air contaminants from process operations used during most manufacturing activities in NY. Update to 2016 guidance includes newly developed Annual Guideline Concentration and Short-Term Guideline Concentration for certain PFAS compounds.</p>

<a href="#">TOGS 1.3.13: Permitting Strategy for Implementing Guidance Values for PFOA, PFOS, and 1,4-Dioxane</a>	2023	DEC Division of Water	PFOA, PFOS	<p>This guidance outlines the Department’s prioritization strategy for incorporating the guidance values for PFOA, PFOS, and 1,4-Dioxane (1,4-D) into State Pollutant Discharge Elimination System (SPDES) industrial discharge permits.</p> <p>This guidance took effect when the GVs were issued later in 2023 (see below).</p>
<a href="#">Water Quality Guidance Values to Regulate PFOA, PFOS</a>	2023	DEC Division of Water	PFOA, PFOS	<p>Final ambient water quality guidance values for raw surface water:</p> <p>PFOA</p> <ul style="list-style-type: none"> <li>● Human Health 6.7 ppt</li> <li>● aquatic life N/A</li> </ul> <p>PFOS</p> <ul style="list-style-type: none"> <li>● Human Health 2.7 ppt</li> <li>● Aquatic Life Chronic <ul style="list-style-type: none"> <li>○ 160 ppb freshwater</li> <li>○ 41 ppb saline water</li> </ul> </li> <li>● Aquatic Life Acute <ul style="list-style-type: none"> <li>○ 710 ppb freshwater</li> <li>○ 190 ppb saline water</li> </ul> </li> </ul>
<a href="#">Draft POTWs Guidance</a>	2024	DEC Division of Water	PFOA, PFOS	<p>This guidance outlines the Department’s initial implementation strategy for applying the guidance values (GVs) for Perfluorooctanoic acid (PFOA), Perfluorooctanesulfonic acid (PFOS), and 1,4-Dioxane (1,4-D) in State Pollutant Discharge Elimination System (SPDES) permits for POTWs</p>

## Proposed Legislation

Bill Name	Year	PFAS Addressed	Summary of Action	Status
S08575/ A11181	2018	PFAS	Bill to reduce the use of PFAS chemicals in firefighting activities.	Not passed due to inaction.
S08576	2018	PFAS	Bill related to the use of PFAS in food packaging.	Not passed due to inaction.
A7839/ S6625	2019	PFOS, PFOA, PFNA, PFHxS, PFHPA, PFBS, and HFPO	Directs the commissioner of the Department of Health to establish a list of emerging contaminants and include, at a minimum, PFOS, PFOA, PFNA, PFHxS, PFHPA, PFBS, and HFPO (among other contaminants).	Not passed due to inaction.
S1108	2019	PFAS	Develops criteria for the state to prioritize purchasing of products, services, commodities, and technologies that minimize potential adverse impacts on public health and the environment. This includes avoidance of priority toxic substances of concern, which include perfluorinated compounds.	Not passed due to inaction.
S773	2019	PFAS	Establishing MCLs for PFCAs and PFSAs in public drinking water. Directs the Department of Health to establish maximum levels for PFAS chemicals in public drinking water.	Not passed due to inaction.
A7876	2019	PFOS	Prohibits the sale of pet products containing any of a large list of priority chemicals (including PFOS). Requires manufacturers to report use of priority chemicals in pet products.	Not passed due to inaction.
S1646/ A7392	2019	PFOA, PFOS	Directing the Department of Health to add PFOA, PFOS, and hexavalent chromium to the list of emerging contaminants.	Not passed due to inaction.
S7735/ A9765	2020	PFOA, PFOS	Prohibits the manufacture and sale of children's products containing many different chemicals (including PFOA and PFOS). Creates a framework for adding additional chemicals to lists either banning sale or requiring disclosure of chemical inclusion.	Not passed due to inaction.
S6291A/ A7063A	2021	PFAS	Prohibits sale of any apparel containing intentionally added PFAS.	Not passed due to inaction.

S5027C	2021	PFAS	Carpet producers shall submit to the Department of Environmental Conservation (DEC) a plan for the establishment of a carpet collection program. Beginning December 31, 2024, prohibits the sale of carpets containing perfluoroalkyl and polyfluoroalkyl substances.	Not passed due to inaction.  Companion bill A9279A passed and signed in 2022 (see above charts).
S2438	2023	PFAS	Develops criteria for the state to prioritize purchasing of products, services, commodities, and technologies that minimize potential adverse impacts on public health and the environment. This includes avoidance of priority toxic substances of concern, which include perfluorinated compounds	Pending; referred to finance committee 1/3/24
S1650 / A5979	2023	PFAS	Enacts the "Private Well Testing Act". Authorizes the department of health to promulgate rules and regulations to establish standards for the testing of drinking water from privately owned wells (including testing for various PFAS)	Pending; referred to Environmental Conservation 1/3/24
S4171 / A4600	2023	PFAS	Prohibits the sale or offer for sale of any cosmetic product or personal care product containing PFAS, 1,4-dioxane, or mercury.	Pending; referred to Environmental Conservation 1/3/24
A3571	2023	PFAS	Requires disclosure of products containing PFAS. Beginning January 1, 2027, prohibits the sale or distribution of any carpet or rug, cookware, cosmetic product, fabric treatment or personal care product that contains PFAS. The DEC may identify other products that cannot be sold if it is determined that the product is likely to contaminate land or water resources and is a threat to human safety. Beginning January 1, 2032, prohibits the sale of any product that contains PFAS unless the department has determined that the use of PFAS in such product is currently an unavoidable use.	Bill is dead because the main sponsor pulled his support.
S227B/ A3296	2023	PFAS	Develops PFAS monitoring, testing, and reporting requirements for publicly owned treatment works and state pollutant discharge elimination system (SPDES) permit holders who discharge waste	Pending; referred to Environmental Conservation 1/3/24

A952	2023	PFAS	The construction of a water treatment system was an unforeseen and unbudgeted cost for the City of Newburgh caused by PFAS contamination of the drinking water supply. This bill entitles the city to a partial exemption from real property taxes as they increase due to the construction of the granular activated carbon system	Pending; referred to Real Property Taxation 1/3/24
S4265 / A6969	2023	PFAS	Prohibits the sale or distribution of a personal care product or cosmetic product containing a restricted substance, including but not limited to: heavy metals, parabens, ortho-phthalates, perfluoroalkyl and polyfluoroalkyl substances, and formaldehyde.; pending	Pending; referred to Ways and Means 5/31/24
A773	2023	PFOS	Requires manufacturers of pet products to report use of priority chemicals (including PFOS) to the DEC and retailers. Effective January 1 2026, prohibits distribution and sale of pet products containing a priority chemical that has been listed for at least one year	Pending; referred to Environmental Conservation 1/3/24
S3529A / A5990A	2023	PFAS	No menstrual products distributed or sold in New York shall contain a restricted substance. This includes, but is not limited to, lead, mercury, formaldehyde, PFAS, and parabens	Amended on 3rd reading, 6/3/24
S7041	2023	PFAS	No person shall use in an industrial plant any product or substance that contains perfluoroalkyl and polyfluoroalkyl, including but not limited to vats, conveyor belts, molds, ovens, pans, pots, chemicals used as mold releasers, lubricants, seals, and coatings	Pending; referred to Environmental Conservation 1/3/24
SB 5648/ A3556	2023	PFAS	The bill amends the environmental conservation law to prohibit the sale of covered products containing regulated PFAS, effective from January 1, 2027. It mandates manufacturers to provide certificates of compliance and sets penalties for violations. The DEC is responsible for implementation and can require independent testing if there's reason to believe a product violates these provisions.	Pending, Reported favorably and ordered to third reading.

SB 8932	2024	PFAS	SB 8932 amends the Environmental Conservation Law of New York to regulate toxic substances in playground surfacing materials, specifically targeting PFAS, PAHS (Polycyclic Aromatic Hydrocarbons), and lead. Starting January 1, 2026, the bill prohibits the sale or offering for sale of playground surfacing materials containing these substances above specified levels, unless exempted. It mandates manufacturers to provide certificates of compliance and imposes penalties for non-compliance.	Pending; referred to Environmental Conservation 6/6/24
AB 10510/ S7136	2023	PFAS	Requires a manufacturer that produced, sold, or distributed a class B firefighting foam that contains intentionally added PFAS to recall all of the product within two years.	Pending; referred to the Committee on Governmental Operations as of May 29, 2024.
SB 1400	2024	PFAS	Introduced to amend the environmental conservation law to enforce truth in labeling regarding recyclability claims on plastic products and containers in New York State. The bill addresses PFAS indirectly by regulating claims related to the recyclability of plastic products, ensuring they meet specified criteria and do not contain PFAS above regulated levels after January 1, 2028.	Pending; referred to Environmental Conservation 5/28/24
SB9661	2024	PFOS, PFOA, PFNA, PFHxS, HFPO-DA, and PFBS	The bill establishes maximum contaminant levels (MCLs) in drinking water for specific PFAS: <ul style="list-style-type: none"> <li>• 4 parts per trillion (ppt) for PFOS and PFOA</li> <li>• 10 parts per trillion (ppt) for PFNA, PFHxS, HFPO-DA, and PFBS</li> </ul>	Referred to Committee on Health on 5/16/24
AB 10184	2024	PFAS	The bill prohibits the sale of medical adhesives and bandages containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) as intentionally added chemicals.	Referred to Committee on Environmental Conservation on 5/10/24

AB 9853	2024	PFAS	The bill authorizes grants and loans for water quality projects related to the removal of perfluoroalkyl and polyfluoroalkyl substances (PFAS) from public water systems.	Referred to Environmental Conservation on 4/24/24
AB9518	2024	PFAS	Classifies PFAS as a high toxicity air contaminant. It mandates the Department of Environmental Conservation to promulgate rules within 90 days to regulate PFAS emissions from major sources like incinerators and manufacturing facilities. It also establishes a fence line monitoring program for PFAS air emissions, prioritizing disadvantaged and impacted communities.	Referred to Environmental Conservation on 3/20/24
A9260/ S7934	2024	PFAS	Directs the department of environmental conservation to establish a perfluoroalkyl and polyfluoroalkyl substances removal treatment installation grant program, providing a one-time grant to private well users for the installation of PFAS treatment or service connection to a public water system; directs the department of environmental conservation to establish a perfluoroalkyl and polyfluoroalkyl substances removal treatment maintenance rebate program, providing a rebate to private well users for the maintenance of PFAS treatment equipment.	Assembly- Read once and referred to the Committee on Environmental Conservation on 2/22/2024  Senate- reported and committed to finance 2/5/24

S992/ A5363	2023		<p>This bill amends the environmental conservation law to:</p> <ol style="list-style-type: none"> <li>1. <b>Prohibit Sale and Distribution:</b> Bans the sale, distribution, and offer for sale or distribution of anti-fogging sprays and wipes containing PFAS substances.</li> <li>2. <b>Product Labeling:</b> Allows the Commissioner to authorize labeling of products as "PFAS-Free" to inform consumers.</li> <li>3. <b>Enforcement:</b> Provides for civil penalties for violations and outlines provisions for relying on manufacturer or distributor assurances.</li> </ol>	<p>Passed in Senate; delivered to Assembly and referred to Committee on Environmental Conservation 5/8/24</p>
AB9005	2024	PFAS	<p>Phases out the sale of products that contain intentionally added PFAS.</p> <ol style="list-style-type: none"> <li>1. <b>Notification Requirements:</b> Manufacturers must provide detailed notifications to the DEC regarding products containing PFAS.</li> <li>2. <b>Phased Prohibition:</b> Prohibits the sale of carpets or rugs, cookware, cosmetic products, fabric treatments, and personal care products containing PFAS starting from January 1, 2027, unless deemed a currently unavoidable use.</li> <li>3. <b>Exemptions:</b> Certain products exempted include those governed by federal law preempting state authority or deemed currently unavoidable.</li> <li>4. <b>Enforcement:</b> Outlines penalties for violations and provisions for manufacturer assurances and compliance certificates.</li> <li>5. <b>Rules and Regulations:</b> Grants authority to the DEC Commissioner to establish necessary rules and regulations for enforcement.</li> </ol>	<p>Dead. Enacting clause stricken/sponsor pulled support of bill- 7/15/24</p>

S4246 / A5322	2023	PFAS	Enacts the "packaging reduction and recycling infrastructure act" to require companies selling, offering for sale, or distributing packaging materials and products to register with a packaging reduction organization to develop a packaging reduction and recycling plan.	Passed senate 6/6/7; Assembly- ordered for a third reading on 6/6/24
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**SUEZ Water New York Inc. v E.I. du Pont de Nemours and Co.**, 578 F Supp 3d 511 (SDNY 2022); 2023 WL 2601161 (2023).

New York corporation that owned and operated five public water systems in New York brought action against Delaware corporations that manufactured, sold, licensed, and distributed products that contained per- and polyfluoroalkyl substances (PFAS), alleging various tort claims related to water contamination. Defendants moved to dismiss for lack of personal jurisdiction and for failure to state a claim. The court dismissed the case for failure to state a claim. Specifically, plaintiff failed to allege the requisite causation to support its tort claims and to state: public or private nuisance claims; trespass claim; strict liability claim for abnormally dangerous activity; strict liability design defect claim; and strict liability or negligence-based failure to warn claim.

Plaintiffs amended their complaint and defendants again moved to dismiss the action. The court mostly granted the defendants' motion, but allowed Plaintiff's design defect claim for Teflon to continue.

*There are also a string of cases in NY concerning consumer products, including the following:*

**Hernandez v Wonderful Company LLC**- 2023 WL 9022844 (S.D.N.Y. 2023)

Class action lawsuit against the Wonderful Company and Pom Wonderful for alleged PFAS contamination of the company's pomegranate juice. The court granted the defendant's motion to dismiss due to lack of Article III standing. Plaintiff's allegations were based on home testing of the juice, which tested PFAS levels higher than the EPA's proposed drinking water standard. However, plaintiff admitted to not drinking the actual juice tested.

**Onaka v. Shiseido Americas Corp.** - SDNY 2024

Plaintiffs claimed that bareMinerals makeup was advertised as “clean” and natural” but contained PFAS. Defendant’s motion to dismiss was granted because the plaintiffs did not adequately plead that the products they purchased contained PFAS.

**Dalewitz v Proctor & Gamble Co.** - SDNY 2023

Plaintiffs brought suit claiming that Oral-B Glide Dental Floss is marketed as having health benefits, but allegedly contains PFAS. The court granted the defendant’s motion to dismiss because the plaintiffs failed to allege that the product contains PFAS or contributed to the body’s burden of PFAS, thereby causing harm.

**Brown v. Coty, Inc.** - SDNY 2024

Plaintiffs brought a class action consumer protection lawsuit claiming that certain CoverGirl beauty products contained PFAS based on independent testing. The court granted the defendant’s motion to dismiss for lack of standing because the plaintiffs did not show that they suffered an injury in fact.