



April 10, 2023

The Honorable Alex Lee, Chair  
Environmental Safety and Toxic Materials Committee, California Assembly  
1020 N Street, Room 171  
Sacramento, CA 95814  
*Via Electronic Mail to:* [assemblymember.lee@assembly.ca.gov](mailto:assemblymember.lee@assembly.ca.gov)

RE: AB 246 (Papan) – Support if amended

Dear Assemblymember Lee and Members of the Committee:

The Bay Area Pollution Prevention Group (BAPPG), a committee of the Bay Area Clean Water Agencies (BACWA) would like to express a support if amended position on AB 246 (Papan). This bill would, beginning in January 2025, prohibit the manufacture, distribution, sale, or offer for sale in California of any menstrual product containing regulated per- and polyfluoroalkyl substances (PFAS). Our concern is that unlike the bills passed by this Legislature to ban PFAS in textiles and in food packaging, AB 246 defines regulated PFAS only as PFAS that has been intentionally added to the product. This definition does not include an unallowable threshold for PFAS, and does not include a threshold for unintentional uses, both of which are essential for clarity and enforcement.

BAPPG represents local clean water agencies that provide sanitary sewer services to the more than seven million people living in the nine county San Francisco Bay Area. Our committee leadership has been involved in addressing California's PFAS crisis over the years and we are pleased to see new bills to protect the public from these toxic "forever" chemicals, especially given that these chemicals are associated with reproductive harm, cancers, immune system interference and other serious health impacts. In addition, their use can contribute to water contamination when PFAS-containing products are washed or discarded.

The Legislature, in its wisdom, has previously defined regulated PFAS as meaning "PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including the PFAS components of 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," as well as any PFAS, including contamination or unintentional use, above a specified threshold depending on the product category<sup>1</sup>. This ensures that products are as free of PFAS as possible, makes enforcement far more straightforward, and creates clarity and consistency for manufacturers. BAPPG supports

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<sup>1</sup> See for instance, Health and Safety Code, Chapter 13.5 (commencing with § 108970) to Part 3 of Division 104.

amending AB 246 to include the same definition of “regulated PFAS” as California Health and Safety Code § 108970, which would require adding the bolded blue text to AB 246:

(g) "Regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS" means either of the following:

(1) PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including the PFAS components of 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.

**(2) The presence of PFAS in a product or product component at or above the following thresholds, as measured in total organic fluorine:**

**(A) Commencing January 1, 2025, 100 parts per million.**

**(B) Commencing January 1, 2027, 50 parts per million.**

We applaud Assemblymember Papan for introducing this important bill and urge the inclusion of a threshold for PFAS that is based on the most recent reliable detection levels for total organic fluorine in fiber-based products. We look forward to the opportunity to support this important legislation.

Sincerely,



Autumn Ross  
Co-Chair  
Bay Area Pollution Prevention Group