



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF THE DIRECTOR
235 Promenade Street, Room 425
Providence, Rhode Island 02908

April 29, 2026

The Honorable V. Susan Sosnowski
Chairwoman
Senate Committee on Environment and Agriculture
82 Smith Street
Providence, Rhode Island 02903

RE: S 2799 An Act Relating to Health and Safety – Consumer PFAS Ban Act of 2024

Dear Chairwoman Sosnowski,

Thank you for providing the Department of Environmental Management (DEM) the opportunity to comment on S 2799, which was introduced at DEM's request and proposes amendments to the Consumer PFAS Ban Act of 2024 (the Act). DEM supports this legislation.

The Act prohibits the manufacture, sale, or distribution of any covered product containing intentionally added perfluoroalkyl and polyfluoroalkyl (PFAS). PFAS are a large group of manmade fluorinated chemicals which have been used since the 1940s to make products water-, grease-, and stain-resistant. They are highly stable in soils, surface water, and groundwater, which prevents them from being easily broken down and has led to them being referred to as “forever chemicals.” Notably, they have been found to be linked to harmful health effects in humans and animals.

This legislation proposes several changes to the Act which are intended to clarify language, align with laws in other states, strengthen enforcement provisions, and provide a waiver process for currently unavoidable uses. Standard enforcement language found in other state environmental laws is proposed to be added to the law to ensure that DEM can assess civil penalties, pursue litigation, and take other steps necessary to ensure compliance with the law. No changes are proposed to the size of the civil penalties included in current law.

S 2799 also proposes to amend the definition of the term “product” in the law to include items used in commercial or industrial settings to align with laws in other states and ease enforcement. Many of the covered products in the Act could be sold for personal, residential, commercial, or industrial use, but current law only makes it illegal to sell such products for personal or

residential use. This complicates enforcement efforts and is inconsistent with most similar laws in other states.

Finally, the legislation proposes providing DEM with the authority to temporarily exempt a product or category of products from the provisions of the law if certain conditions are met. Modeled on a provision in Rhode Island's successful mercury law (R.I. Gen. Laws § 23-24.9-7), the legislation proposes allowing the issuance of waivers if the use of a product is beneficial to the environment or protective of public health or safety, there is no technically feasible alternative to the use of PFAS in the product, and there is no comparable non-PFAS-added product available at reasonable cost. Waivers would be time-limited and would be eligible for renewal.

The legislation does not propose to change any of the effective dates currently included in the Act, nor does it seek to modify the list of covered products. Most of the Act's prohibitions would continue to take effect in 2027, with some taking effect two years later in 2029.

We appreciate the opportunity to offer comments on this legislation and would be pleased to make ourselves available as needed. Please feel free to contact Susan Forcier, DEM Deputy Director for Environmental Protection, at susan.forcier@dem.ri.gov should you have any additional questions or wish to discuss this matter further.

Sincerely,

A handwritten signature in cursive script that reads "Terrence Gray".

Terrence Gray, P.E.
Director

cc: Members of the Senate Committee on Environment and Agriculture
The Honorable Walter Felag
Kristen Silvia, Deputy Chief of Staff and Director of Legislation