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."

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:

- Restrict or 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 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.

Having jurisdictions adopt legislation as close as possible to the model legislation and participate in the clearinghouse proposed by this model legislation will decrease compliance costs on the regulated community, increase the enforceability of the requirements of the model legislation, and decrease the implementation costs for jurisdictions adopting the model legislation. It is also possible for jurisdictions to modify the model legislation to suit the particular needs of that jurisdiction

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.

Stakeholder Review

The Model Legislation was released to stakeholders via the web (www.newmoa.org) for a 60-day comment period ended on June 29, .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.

NEWMOA solicited and collected written comments and suggestions from stakeholders, including manufacturers, trade associations, environmental organizations, local and state government agencies, solid waste management firms, community groups, and others on the draft Model Legislation. NEWMOA received numerous written comments on the Model Legislation. NEWMOA's PFAS Model Legislation Workgroup reviewed the written comments and revised the Model Legislation in response to those comments.

Section 1. An Act Concerning PFAS Reduction and Education

Section 2. (the findings section is optional for Jurisdictions that allow/require findings). The legislature finds and declares that:

(1) Perfluoroalkyl and polyfluoroalkyl substances, or PFAS, are a persistent and toxic class of pollutants that accumulate in the environment.

(2) Public health and environmental authorities have established health advisories and standards that recognize probable adverse human health impacts from PFAS compounds at low concentrations. 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.

(3) 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.

(4) 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 consumer products containing PFAS.

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

(6) 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.

(7) PFAS in consumer products are a major source of PFAS contamination.

(8) 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. The extent of

PFAS contamination in the [jurisdiction] is widespread and requires a significant expenditure of resources to address.

(9) 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.

(10) 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.

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

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

(13) 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.

(14) [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

"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 presents a lesser hazard to human health or the environment than use of PFAS in the product.

"Apparel" means:

(1) Clothing items intended for regular wear or formal occasions, including, but not limited to, undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, everyday swimwear, formal wear, onesies, bibs, diapers, footwear, and everyday uniforms for workwear. Clothing items does not include personal protective equipment or clothing items for exclusive use by the United States military.

(2) Outdoor apparel.

(3) Outdoor apparel for severe wet conditions. "Outdoor apparel for severe wet conditions" means outdoor apparel that are extreme and extended use products designed for outdoor sports experts for applications that provide protection against extended exposure to extreme rain conditions or against extended immersion in water or wet conditions, such as from snow, in order to protect the health and safety of the user and that are not marketed for general consumer use. Examples of extreme and extended use products include outerwear for offshore fishing, offshore sailing, whitewater kayaking, and mountaineering.

Note: This definition taken from California's apparel ban.
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1817

"AFFF" or Aqueous Film Forming Foam means: a fire suppressant used to extinguish flammable liquid fires such as fuel fires.

"Carpet or rug" means: a fabric product marketed or intended for use as a floor covering in households or businesses.

Note: This definition taken from Colorado's PFAS ban statute.
https://leg.colorado.gov/sites/default/files/2022a_1345_signed.pdf

"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.

"Cookware" means: durable houseware items that are used in homes and restaurants to prepare, dispense, or store food, foodstuffs, or beverages. "Cookware" includes pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls, and cooking utensils.

Note: This definition taken from Vermont bill proposing a ban.
https://legislature.vermont.gov/Documents/2024/Docs/BILLS/H-0152/H-0152%20As%20Introduced.pdf

"Consumer product" means: any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes. "Consumer products" includes product categories that are normally used by households but designed for or sold to businesses (e.g. commercial carpets or commercial floor waxes).

"Cosmetic" means: an article for retail sale or professional use intended to be rubbed, poured,

sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance.

Note: This definition taken from California legislation.
https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2771

"Currently unavoidable use" means: a use of PFAS that the [Agency] has determined to be essential for health, safety, or the critical functions of society for which alternatives are not reasonably available. "Currently unavoidable uses" include FDA approved pharmaceuticals or medical devices; or use in environmental preferable products such as renewable energy applications that if not available would result in significant individual health or adverse environmental impacts.

"Intentionally added PFAS" means:

(1) PFAS is added to a product, to the manufacturing of that product; to the processing of that product and the addition of PFAS is known or reasonably ascertainable by the manufacturer; or

(2) The presence of PFAS in a product or product component above thresholds established by the [Agency] in rule.

"Known or reasonably ascertainable" means: all information in a person's possession or control, plus all information that a reasonable person similarly situated might be expected to possess, control, or know.

Note: This definition taken from the TSCA 8(a) PFAS reporting rule:
https://www.epa.gov/system/files/documents/2023-09/prepublicationcopy_7902-02_fr-doc_aa_esignatureverified_2023-09-28.pdf

"Feminine hygiene products" means: means a product used to collect menstruation and vaginal discharge, including tampons, pads, sponges, menstruation underwear, disks, applicators, and menstrual cups, whether disposable or reusable.

Note: this definition is taken from a Vermont bill that has passed the Senate but not the House.

https://legislature.vermont.gov/Documents/2024/Docs/BILLS/S-0025/S-0025%20As%20Passed%20by%20the%20Senate%20Unofficial.pdf

"Fluorine treated containers" means: a fluorinated high-density polyethylene plastic container or another fluorinated container listed by the [agency] by rule.

"Food packaging and containers" means: a container applied to or providing a means to market, protect, handle, deliver, serve, contain, or store a food or beverage. Food package includes:

(1) a unit package, an intermediate package, and a shipping container;

(2) unsealed receptacles, such as carrying cases, crates, cups, plates, bowls, pails, rigid foil and other trays, wrappers and wrapping films, bags, and tubs; and

(3) an individual assembled part of a food package, such as any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior strapping, coatings, closures, inks, and labels.

Note: This definition taken from Minnesota.

https://www.revisor.mn.gov/bills/text.php?number=SF20&version=latest&session=ls92&session_year=2021&session_number=1

"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 a class of fluorinated organic chemicals containing at least one fully fluorinated carbon or methylene carbon atom.

Note: this definition was taken from the Organization for Economic Cooperation and Development and the European Union.

"Personal protective equipment" means: equipment worn to minimize exposure to hazards that cause serious workplace injuries and illnesses that may result from contact with chemical, radiological, physical, biological, electrical, mechanical, or other workplace or professional hazards.

"PFAS-added consumer product" means: (1) a product, commodity, chemical, or a product component that was manufactured after the effective date of this act; (2) that contains PFAS

intentionally added to the product, commodity, chemical, or product component; and (3) is a consumer product.

"PFAS-added product" means (1) a product, commodity, chemical, or a product component that was manufactured after the effective date of this act; (2) that contains PFAS intentionally added to the product, commodity, chemical, or product component.

"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.

"Textile" means: any item made in whole or part from a natural, manmade, or synthetic fiber, yarn, or fabric, and includes, but is not limited to, leather, cotton, silk, jute, hemp, wool, viscose, nylon, or polyester. "Textile" does not include single-use paper hygiene products, including, but not limited to, toilet paper, paper towels or tissues, or single-use absorbent hygiene products.

"Upholstered furniture" means: any article of furniture that is designed for sitting, resting, or reclining, and is wholly or partially stuffed with filling material.

Note: This definition is taken from PFAS legislation passed by the State of Colorado *https://leg.colorado.gov/sites/default/files/2022a_1345_signed.pdf*

Section 4. Exemptions.

(a) The following are exempt from the requirements of this Act:

(1) The resale of products manufactured prior to the ban imposed by Section 7 of this Act; and

(2) A product for which federal law governs the presence of PFAS in the product in a manner that preempts state authority.

(b) The following are exempt from the PFAS ban imposed by Section 7 of this Act:

(1) Products made with at least 85 percent recycled content, excluding PFAS solutions;

(2) Products manufactured prior to the ban imposed by Section 7 of this Act; and

(3) Replacement parts for products manufactured prior to the ban imposed by Section 7 of this Act.

Section 5. 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 applications and reviews of the manufacturer obligations under this Act. 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. Clearinghouse members and employees shall be viewed as operating under a common interest and conversations among and between members or employees shall not violate any exception to any member jurisdiction's freedom of information act.

Section 6. Notification

(a) Applicability. This section shall apply to PFAS-added products as follows:

(1) Products listed in Section 7(a)(1) shall notify within three years of the effective date of this Act;

(2) All PFAS-added consumer products shall notify within seven years of the effective date of this Act; and

(3) All PFAS-added products shall notify within twelve years of the effective date of this Act.

(b) When required by Section 5(a) 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:

(1) A brief description of the product to be offered for sale, used, or distributed. Descriptions shall provide the product category and the function category as defined by rule;

Note: The intent of this section is to allow for the use of product and function categories used in the TSCA 8(a) PFAS Reporting Rule (Tables 4 and 5) for reporting under this notification. For businesses under that reporting rule it will streamline the notification process.

(2) All relevant chemical abstract service (CAS) registry numbers or if no CAS number is applicable, the molecular formulas and weights for all PFASs intentionally added to the product;

(3) For each product category:

(A) The amount of each PFAS or subgroups in the product category;
(B) The range of PFAS in the product category by percent weight; or

Note: The intent of this section is to allow for the use of percent weight categories used in the TSCA 8(a) PFAS Reporting Rule (Table 6) for reporting under this notification. For businesses under that reporting rule it will streamline the notification process.

(C) If no analytical method exists, the amount of total organic fluorine present in the product category.

(4) The purpose for which PFAS are used in the product; and

(5) The name and address of the manufacturer, and the name, address, and phone number of a contact person for the manufacturer.

(b) A manufacturer may supply the information required in paragraph (a) for each PFAS-added consumer product category rather than for each individual product.

(c) 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]. 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.

(d) A person may not sell, offer for sale, or distribute for sale in the [Jurisdiction] a PFAS-added consumer product if the manufacturer has failed to notify pursuant to this section.

Section 6. Labeling of PFAS-Added Products

(a) Five years after the effective date of this Act, no PFAS-added consumer product 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 consumer product is a component of another product, the product containing the component shall be labeled.

(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.

(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 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).

(f) Alternative labeling requirements.

(1) A manufacturer may apply to the [agency] for an alternative to the requirements of this section where:

(A) strict compliance with the requirements is not feasible;

(B) 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

(C) federal law governs the labeling of the product in a manner that preempts state autority.

(2) 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) document the readiness of all necessary parties to implement the proposed alternative; and (4) 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.

(3) 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 7. Restrictions on the Sale of Certain PFAS-added Products

(a) Product ban.

(1) Within five years of the adoption of this Act, the following PFAS-added consumer products (in any amount) shall be prohibited from being offered for final sale or use or distributed for promotional purposes in [jurisdiction]:

(A) AFFF;
(B) Apparel and textiles;
(C) Carpets;
(D) Cosmetics and Feminine Hygiene Products;
(E) Cookware;
(F) Fluorine treated containers;
(G) Food packaging and containers;
(H) Upholstered furniture;
(I) Paper and paper products;
(J) Personal protective equipment; and
(K) After market waterproof and stain guard products

(2) Within ten years of the adoption of this Act no PFAS-added consumer products may 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 (b) of this section.

(3) Within fifteen years of the adoption of this Act, no PFAS-added product and packaging containing PFAS may 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 (b) of this section.

(b) Currently unavoidable use of PFAS. For products banned under subsections (a)(2) or (a)(3) of this section:

(1) Manufacturers may apply for a waiver for up to five years to the product ban if the [agency] finds the application clearly meets the following criteria.:

(A) The product is beneficial to the environment; protective of human health; or protective of public safety, and

(B) There is no alternative to PFAS that presents less hazard to human health or the environment that serves a functionally equivalent purpose to use of PFAS in the product.

(2) An [agency] may, by rule, determine that PFAS is a currently unavoidable use in a category of products. Category based determinations made by the [agency] shall be for a period of time identified in the rule not to exceed ten years. The [agency] shall document the following as a part of the administrative record for the rule:

(A) The category of products are beneficial to the environment, protective of human health, or protective of public safety; and

(B) There is no alternative to PFAS that presents less hazard to human health or the environment that serves a functionally equivalent purpose to use of PFAS in the product.

(3) The manufacturer will continue comply with all other provisions of this act (notification and labeling) if the use of PFAS was determined currently unavoidable.

(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 five years.

(e) Termination of currently unavoidable use determination. The [Agency] may terminate a currently unavoidable use determination upon determining that there are technically feasible alternatives that present less hazard to human health and the environment.

Section 8. 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.

(d) 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.

(e) 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].

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

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

(2) 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 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 one year of the adoption of this Act adopt procurement policies, consistent with federal requirements, that ensure the following:

(1) products containing intentionally added PFAS shall only be purchased or contracted for when there is no currently available alternative;

(2) appropriate measures are taken to encourage suppliers with products that do not contain intentionally added PFAS to submit proposals;

(3) bidders identify any products within their proposal that contain intentionally added PFAS and explain why they are unable to provide PFAS free products; and

(4) the [Agency] provides technical assistance and training to procurement officers to assist in compliance with this standard.

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 on the date the Secretary determines that a law similar to this section has been adopted by any combination of the northeast states with an aggregate population of at least 10,000,000 people. For purposes of this section, northeastern states shall include the New England states, New York, and New Jersey..

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.]