

ALSTON & BIRD

PFAS PRIMER

2026 Q1 Update





Federal Updates

MARCH 2026

Congress Reintroduces Bill to Address PFAS Use in the Domestic Supply Chain (March 19, 2026)

The Senate and House reintroduced [S.4153 / H.R.8016](#), which would direct the EPA to facilitate phasing out nonessential PFAS production, consumption, and possession and prohibit PFAS releases within 10 years of enactment. Beginning within one year of enactment and expanding over time, the bill would ban nonessential uses of PFAS in specific products (including carpets, food packaging, juvenile products, textile furnishings, and cosmetics). The bill would require PFAS manufacturers and users to report PFAS information to the EPA and submit phase-out schedules of their products. The bill would also amend CERCLA to toll state statutes of limitations and statutes of repose for PFAS and would initiate a National Academies of Sciences, Engineering, and Medicine study of PFAS bioaccumulation and human health risks.

JANUARY 2026

Congress Proposes to Require EPA to List PFAS as Hazardous Air Pollutants and to Evaluate Health Effects of PFAS Exposure (January 8, 2026)

The House introduced [H.R.6990](#), which would require the EPA to list PFAS as hazardous air pollutants under the Clean Air Act. The Senate introduced [S.3598](#), which would require the Agency for Toxic Substances and Disease Registry (ATSDR) to partner with the National Academies of Sciences, Engineering, and Medicine to assess the health effects of PFAS and develop clinical recommendations within two years of enactment. The bill would also mandate periodic updates to those assessments

and recommendations at least every five years and would obligate the ATSDR to issue and regularly update its clinical guidance on PFAS health effects.

State Updates

CALIFORNIA

February 2026: The California Department of Toxic Substances Control issued a [draft product-chemical profile](#) for floor maintenance products containing PFAS for public comment. The draft proposes listing these products as a priority product, which if finalized through rulemaking would require manufacturers to submit notifications and conduct alternatives analyses.

January 2026: Introduced [AB 1603](#), which would prohibit the manufacture, sale, delivery, holding, and offer for sale in commerce of pesticides that contain intentionally added PFAS as active or inert ingredients beginning January 1, 2030 for 23 PFAS chemicals and beginning January 1, 2035 for all PFAS. The bill would also impose PFAS labeling requirements for the manufacture, distribution, and sale of pesticides containing intentionally added PFAS beginning January 1, 2028.

FLORIDA

March 2026: Passed [H1019](#), which would prohibit the use of aqueous film-forming foam for nonemergency instruction, training, or testing beginning July 1, 2026; the sale, purchase, and distribution of aqueous film-forming foam beginning July 1, 2027; and the use of aqueous film-forming foam beginning July 1, 2029. The bill includes exceptions for airports and military applications and emergency firefighting situations when alternatives do not exist. It would also require certain public entities disposing of domestic wastewater biosolids and treated effluent to quarterly conduct at least one sampling for PFAS and submit results to the Florida Department of Environmental Protection, effective July 1, 2026.

HAWAII

March 2026

- The House passed [HB 644](#), which would prohibit the distribution, sale, and use of single-use plastic foodware containing plastic with PFAS beginning January 1, 2028.
- The Senate passed [SB 2096](#), which would require wastewater treatment facilities approved for the land application of sewage sludge to test this sludge for PFAS.

ILLINOIS

February 2026: Introduced [SB3400](#) / [HB4523](#), which would prohibit the use of pesticides containing intentionally added PFAS beginning January 1, 2027, require pesticide registrants to include a statement about whether the pesticide contains PFAS beginning January 1, 2027, and prohibit the use of any spray adjuvant containing intentionally added PFAS beginning January 1, 2030.

KENTUCKY

January 2026: Introduced [HB 196](#), which would require manufacturers of products sold in Kentucky that contain intentionally added PFAS to report product and substance information beginning January 1, 2027. The bill would also prohibit the sale of products containing intentionally added PFAS for which manufacturers have failed to submit the required reporting and would establish civil penalties for violations. The bill would also require manufacturers of products containing intentionally added PFAS that are produced in the state to annually report the amount and names of PFAS released at their facilities beginning January 1, 2027.

MAINE

January 2026: Enacted [LD 222 \(HP 145\)](#), which requires the Maine Department of Environmental Protection, in consultation with the Department of Public Safety, Office of the State Fire Marshal, to design and implement by July 1, 2027 a take-back and disposal program

for firefighting and fire-suppressing foam with intentionally added PFAS.

MARYLAND

March 2026

- The House passed [HB 1533](#), which would impose liability for civil damages resulting from actual harm on persons who violate the prohibition on the knowing manufacture, sale, delivery, holding, or offering for sale of cosmetic products that contain certain chemicals, including PFAS. The bill would also expand the Maryland Department of Health's authority to investigate complaints.
- The Senate passed [SB 719](#), which would prohibit the application to agricultural or marginal land of sewage sludge containing total concentrations of certain PFAS (PFOA, PFOS, and mixtures of PFOA and PFOS) equal to or greater than 50 parts per billion (ppb) beginning October 1, 2028. The bill would permit the land application of sewage sludge with PFAS concentrations between 25 and 50 ppb subject to temporary alternative management measures, monitoring, mitigation plans, and notice requirements. It would also authorize pretreatment standards for industrial users that discharge PFAS, require the Department of the Environment to provide technical assistance to sewage sludge generators, and permit local jurisdictions to set rates and fees for these industrial users.

February 2026: Introduced [HB 1022](#) / [SB 686](#), which would prohibit the sale, offer for sale, distribution, and distribution for sale of certain consumer products containing intentionally added PFAS beginning January 1, 2028 (cleaning products, cookware, cosmetics, personal care products, feminine hygiene products, pet food packaging, juvenile products, and intimacy products) and beginning January 1, 2029 (fabric treatment, ski wax, textiles, textile furnishings, upholstered furniture, and paint). The bill would also impose mandatory product registration and testing requirements on manufacturers and establish a dedicated remediation fund administered by the Department of the Environment funded by registration fees and civil penalties from violations.



MICHIGAN

March 2026: Introduced [SB 816](#), which would prohibit, beginning January 1, 2028, the manufacture, sale, and distribution of certain products that contain intentionally added PFAS, including apparel, carpets, cookware, and children's products, unless the manufacturer provides prior written notification to the Department of Environment, Great Lakes, and Energy. Beginning January 1, 2029, the bill would require these products to include a label stating that the products are made with PFAS chemicals. It would impose civil fines and would permit the attorney general to seek injunctive relief against violators.

MINNESOTA

March 2026

- Introduced HF 4257, which would extend to July 1, 2027 the date manufacturers are required to submit information about products containing intentionally added PFAS. The bill would also clarify that the use of PFAS in certain products (including some HVAC and refrigeration equipment, veterinary products, semiconductors, and some products developed for public health or water-quality testing) is a currently unavoidable use.
- Introduced SF 4758, which would exempt pesticides, fertilizers, and agricultural products and equipment from Amara's Law.

February 2026: The Minnesota Pollution Control Agency issued [initial concepts](#) to inform its upcoming rulemaking for the currently unavoidable use rule for PFAS in products and hosted a webinar to provide an overview of the proposed rule to present the proposed rule concepts and to request public feedback.

January 2026: The Minnesota Pollution Control Agency [announced](#) that its PFAS reporting system for manufacturers is available for access ahead of the July 1, 2026 reporting deadline under Amara's Law.

MISSOURI

January 2026: Introduced [HB 2400](#), which would require manufacturers of products sold or distributed in the state that contain intentionally added PFAS to report information to the Department of Natural Resources by January 1, 2027. The bill would prohibit the sale, offer for sale, and distribution for sale of certain products containing intentionally added PFAS (including carpets, cookware, cosmetics, and juvenile products) beginning January 1, 2027. Exemptions would be created for food packaging and firefighting foam. The Department of Natural Resources could expand these categories until 2033, at which point no product containing intentionally added PFAS could be sold in the state unless the department determines it is a currently unavoidable use. Willful violations would result in fines and/or imprisonment.

NEW HAMPSHIRE

March 2026: The House passed [HB1275](#), which would grant immunity to farmers for damages resulting from lawsuits based on harms caused by PFAS present in soil, water, or agricultural products; create the agricultural PFAS relief fund to assist farmers who have suffered losses resulting from the actual or suspected presence of PFAS in soil, water, or agricultural products; require the Department of Environmental Services to develop concentration-based standards for PFAS; and establish a five-year moratorium on the land application of sludge or biosolids for agricultural use.

NEW JERSEY

March 2026: The Senate passed [S1281](#) (carryover of S4798 and A5260), which would prohibit the sale, manufacture, and distribution of certain apparel containing intentionally added PFAS.

January 2026

- Enacted [S1042 / A1421](#) (from the 2024–2025 session), which prohibit the sale of certain consumer products (cosmetics, carpets, fabric treatments, and food packaging) that contain intentionally added PFAS beginning January 2028. They require manufacturers of certain cookware sold in the state that contain intentionally added PFAS to disclose the presence of PFAS on the product label. The bills authorize the Department of Environmental Protection to audit/investigate manufacturers for compliance and require the department to establish a PFAS source reduction program, conduct PFAS related research and environmental monitoring, and submit annual reports to the governor and legislature.
- Introduced [S673 / A3744](#) (carryover of S3398 / A5009), which would amend the Toxic Packaging Reduction Act to prohibit, beginning two years after enactment, the sale of packaging and products in packaging that contain certain substances, including PFAS (intentionally added or incidentally present), subject to specified exceptions.
- Introduced [S630 / A3552](#) (carryover of S224 / A2775), which would prohibit the sale, distribution, and import of certain products marketed as recyclable unless the Department of Environmental Protection determines that the products are widely recycled. The bill would exclude certain products, such as those that contain PFAS, from being deemed recyclable by the department.
- Introduced [S733 / A797](#) (carryover of S4367 / A5600), which would prohibit the sale, offer for sale, and distribution for sale of certain products containing intentionally added PFAS (including apparel, carpet, fabric treatment, cosmetics, food packaging, juvenile products, feminine hygiene products, ski wax, and textile articles) beginning three years after the bill's effective date. The bill would also prohibit the sale of new outdoor apparel designed for severe wet conditions containing intentionally added PFAS unless it is labeled with a "Made with PFAS" notification beginning two years after the bill's effective date, and would prohibit the sale of such apparel beginning

five years after the bill's effective date. The bill would also establish labeling requirements for cookware with intentionally added PFAS and restrict the discharge of Class B firefighting foams containing intentionally added PFAS.

NEW MEXICO

January 2026: Released revisions to a proposed rule implementing the state's PFAS Protection Act, which includes labeling requirements and restrictions on the sale of consumer products that contain intentionally added PFAS. The revisions include exemptions to the labeling requirements for products regulated under the Federal Insecticide, Fungicide, and Rodenticide Act and regulated by the U.S. Department of Agriculture, U.S. Environmental Protection Agency, and veterinary products, medical devices, drugs, and packaging regulated by the U.S. Food and Drug Administration.

NEW YORK

January 2026: The Senate passed [S9073](#) (companion to [A7738](#)), which would prohibit the sale of certain products that contain regulated PFAS, including air care products, automotive products, cleaning products, polish or floor maintenance products, cookware, fabric treatment, rugs, ski wax, textiles, and textile articles. The bill would also require manufacturers to provide sellers with a signed certificate of compliance stating that covered products do not contain regulated PFAS. If the Department of Environmental Conservation believes a product violated the law, the bill would require manufacturers to, within 30 days, either submit third-party test results showing compliance or notify sellers that the product is prohibited in New York and provide the department with a list of those sellers.

PENNSYLVANIA

January 2026: Introduced [HB 2145](#), which would prohibit the manufacture, sale, and offer for sale of certain products, including cosmetics, dental floss, juvenile products, and menstrual products, that contain intentionally added PFAS.



RHODE ISLAND

February 2026: Introduced [HB 7621](#), which would exempt from the state's PFAS ban certain cookware that contains PFAS that are authorized by the U.S. Food and Drug Administration for food contact for consumer goods.

TENNESSEE

January 2026: Introduced [SB1818](#), which would, effective July 1, 2026, prohibit the sale, delivery, holding, and offer for sale of any food that contains PFAS, PFOA, or PFOS, unless the food is clearly labeled as containing these PFAS and the label includes information about the known or possible health effects associated with exposure.

VIRGINIA

March 2026

- Passed [HB1072](#), which authorizes a locality to require testing and monitoring for PFAS when sewage sludge is land-applied within its jurisdiction.
- Passed [HB1443](#) / [SB386](#), which require monthly testing for PFAS in sewage sludge and prohibit land application of sewage sludge without a permit.

January 2026: Introduced [HB864](#), which would prohibit the manufacture and sale of cosmetic products containing PFAS and other chemicals.

WISCONSIN

March 2026: Passed [AB131](#), which provides narrowly tailored exemptions from liability under the state's environmental cleanup law for farmers, landowners, certain business owners, and fire departments for PFAS-related contamination on their property.

Litigation Updates

SCOTUS Denies Certiorari in PFAS-Related Removal Jurisdiction Cases

The Supreme Court denied certiorari in two lawsuits brought by the State of Maryland and the State of South Carolina against 3M and other defendants arising out of alleged PFAS contamination in their states. 3M removed those lawsuits under the federal officer removal statute—arguing the alleged contamination must have come from aqueous film-forming foam (AFFF), for which 3M has a government contractor defense. This is the same strategy 3M has used to remove AFFF lawsuits across the country to federal court, and then 3M has those lawsuits consolidated in the AFFF multidistrict litigation (MDL). Originally, after removal, the district courts remanded the lawsuits brought by Maryland and South Carolina, but—as previously reported by the PFAS Primer—the Fourth Circuit reversed and held that 3M properly removed those lawsuits. In their petition for writ of certiorari, Maryland and South Carolina argued that 3M's removal was improper because the states do not allege PFAS contamination caused by AFFF. The states also noted that the Fourth Circuit's decision creates a circuit split with the First, Ninth, and Eleventh Circuits. The Supreme Court's denial of certiorari will allow 3M to continue to remove PFAS-related lawsuits to federal court and may allow 3M to continue to transfer them to the AFFF MDL, even when the lawsuits are not on their face related to AFFF.

March 2, 2026 | *State of Maryland v. 3M Co., State of South Carolina v. 3M Co.*, No. 25-517 (U.S.).

Court Rips Off the Band-Aid and Dismisses Consumer PFAS Lawsuit

The District of New Jersey dismissed a class action brought against Johnson & Johnson and Kenvue alleging the presence of PFAS in the defendants' Band-Aid products. The plaintiffs alleged that they "reasonably believed" that the

Band-Aids were “safe for use around, adjacent to, and near skin and open wounds” and that they would have paid less for those for those products had they known they allegedly contained PFAS. In their motions to dismiss, the defendants argued that, among other things, the plaintiffs lacked Article III standing, and the court agreed. The court first rejected the plaintiffs’ “benefit of the bargain” alleged injury because they failed to show any adverse health consequences and failed to allege any actionable misrepresentations. The court separately rejected the plaintiffs’ “premium price” and “alternative product” theories of injury because the plaintiffs did not allege that they would in fact purchase other products instead of Band-Aids.

February 2, 2026 | *Aronstein v. Kenvue Inc.*, No. 3:24-cv-04665 (D.N.J.).

D.C. Circuit Denies EPA’s Request to Vacate Drinking-Water Limits for Four PFAS

A D.C. Circuit motions panel denied the EPA’s motion to vacate four of six PFAS limits for drinking water. Industry groups and water utilities had challenged the EPA’s final rule setting maximum contaminant levels in drinking water for certain PFAS chemicals. The EPA sought to vacate four of the six PFAS limits (for HPFO-DA, PFNA, PFHxS, and PFBS), arguing they were invalid due to procedural errors by the previous administration, but did not walk back the limits for PFOA or PFOS. In denying the EPA’s request to vacate, the court found the merits of the parties’ positions were “not so clear as to warrant summary action.” As a result of the denial, the six PFAS limits remain in place while the litigation proceeds on the merits, creating uncertainty for water utilities because any final decision is unlikely before the rule’s deadlines take effect.

January 21, 2026 | *American Water Works Association v. Environmental Protection Agency*, No. 24-1188 (D.C. Cir.).

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Go to the [PFAS Primer](#) for more information about PFAS and regular updates on the latest regulations, litigation, and science involving PFAS.

Learn more about our [Perfluoroalkyl & Polyfluoroalkyl Substances \(PFAS\) Team](#) and how we can help you stay ahead of the curve.



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