CLIENT ALERTS & INSIGHTS

California’s Ban on PFAS: The Law May Be Clear, but the Rules Are Not

OCTOBER 12, 2026

Authors: Bryna Dahlin, Yesul (“Kristin”) Lee

Featured Practices: Litigation, False Advertising & Unfair Competition

Featured Industries: Retail & E-Commerce, Plastics & Performance Materials, Food & Beverage

Key Takeaways

- California's PFAS restrictions now extend beyond warning requirements to outright bans covering food packaging, juvenile products, cosmetics and textile articles. Manufacturers should determine whether any products sold in California are subject to these expanding requirements.
- Companies face a compliance challenge because PFAS restrictions are already in effect, while key testing methods and enforcement guidance will not be finalized until 2029. Businesses should consider supply chain reviews and proactive testing now rather than waiting for additional regulatory direction.
- Alleged PFAS violations may also give rise to private litigation under California's Unfair Competition Law, making early compliance planning critical for affected manufacturers and distributors.

California has been among the most aggressive states in regulating perfluoroalkyl and polyfluoroalkyl substances (PFAS). Proposition 65, for example, requires clear and reasonable warnings on products that might expose consumers to cancer, birth defects or reproductive harm-and multiple types of PFAS trigger this requirement. But over the past few years, California has gone further, enacting laws that outright ban PFAS in certain products. And a gap between the law as enacted and the regulations, which do not go into effect for years, provides an opening for the plaintiff’s bar to jump into the fray.

California’s Ban on PFAS

Food Packaging and Cookware: California Assembly Bill ("AB") 1200

Since January 1, 2023, AB 1200 has prohibited anyone from distributing, selling or offering for sale in California any food packaging containing "Regulated PFAS." Regulated PFAS means either (1) PFAS that a manufacturer intentionally added to a product for a functional or technical effect, or (2) PFAS present in a product or product component at or above a total organic fluorine threshold of 100 ppm.

For cookware, AB 1200 does not ban PFAS outright. Instead, like Proposition 65, it requires manufacturers to disclose on product labels and websites any intentionally added chemicals from designated lists in a product's handle or food-contact surface. This labeling requirement took effect on January 1, 2024.

Juvenile Products: AB 652

AB 652, which took effect on July 1, 2023, prohibits manufacturing, distributing, selling or offering for sale in California any new juvenile product containing Regulated PFAS-defined the same way as under AB 1200. Juvenile products include products designed for infants and children under 12, such as car seats, strollers, highchairs, bassinets, cribs, playpens, infant carriers and seats, changing pads, nursing pillows, and children's sleep mats and floor mats. Manufacturers must use the least toxic alternative when replacing regulated PFAS.

Cosmetics: AB 2762 and AB 2771

California initially restricted only 13 specific PFAS, along with 11 other ingredients, in cosmetics through AB 2762, which took effect in September of 2020. Then, on September 29, 2022, the legislature broadened the ban to cover all PFAS and their salts through AB 2771. California now prohibits anyone from manufacturing, selling, delivering, holding or offering for sale in California any cosmetic product containing intentionally added PFAS. Notably, AB 2771 provides that trace quantities stemming from impurities in natural or synthetic ingredients do not violate the law, so long as the manufacturing process is designed to comply and the trace contamination is technically unavoidable.

Textile Article: AB 1817

Most recently, starting in January 2025, AB 1817 banned Regulated PFAS in textile articles. The total organic fluorine threshold is currently 100 ppm but will drop to 50 ppm on January 1, 2027. AB 1817 defines textile articles broadly to include textile goods of a type customarily and ordinarily used in households and businesses, such as apparel, accessories, handbags, backpacks, draperies, shower curtains, furnishings, upholstery, bedding, towels, napkins, and tablecloths. The law excludes only a limited category of textile articles, most of which other California laws or regulations already govern. [1]

AB 1817 further requires manufacturers removing regulated PFAS to use the least toxic alternative, including alternative design approaches. Manufacturers must provide anyone selling or distributing their textile articles in California with a signed certificate of compliance stating that the product complies with the law and does not contain regulated PFAS.

Enforcement: AB 347

AB 347, codified at California Health and Safety Code sections 108057 *et seq.* and effective January 2025, added an enforcement mechanism to PFAS regulations. It requires the Department of Toxic Substances Control (DTSC) to adopt regulations implementing, interpreting or making specific PFAS restrictions by January 1, 2029. This includes publishing a list of accepted testing methods to determine whether covered products-food packaging, cookware, juvenile products, cosmetics and textile articles-comply with PFAS restrictions, as well as appropriate third-party laboratory accreditations.

AB 347 also requires manufacturers of covered products to register with DTSC, describe each product, pay a registration fee and certify compliance with the Code.

DTSC will issue violation notices and may assess penalties or bar companies from selling or distributing products in California. Administrative penalties may not be less than $10,000 for a first violation, may be assessed for each violation of a separate provision, and-for continuing violations-may be assessed for each day the violation continues.

Why This Matters

California will begin enforcing these laws and imposing penalties within a couple of years. Compliance matters: violations may require significant time, cost and effort to remedy. Unlike Proposition 65, which required only clear and reasonable disclosure, these PFAS laws ban certain products outright, forcing manufacturers to redesign their products and manufacturing process. And even before enforcement begins, the laws are in effect-meaning any violation exposes manufacturers to litigation risk. The plaintiffs' bar can use California's Unfair Competition Law (UCL) to bring independent claims for PFAS violations, because any violation of state or federal law is independently actionable as an unfair business practice under the UCL.[2]

Manufacturers currently find themselves in limbo: they must comply with PFAS requirements but lack guidance on valid testing methods or least toxic alternatives until DTSC publishes its regulations in January 2029. Nonetheless, manufacturers should not wait. To mitigate litigation risk and prepare for enforcement, manufactures should review whether their products fall under California's PFAS laws, audit supply chains for potential PFAS contamination and consider proactive testing using well-accepted industry standards.

Benesch is actively monitoring California's PFAS laws developments and their implications for our clients. If you have questions about how California's PFAS laws may affect your operations, please reach out to the authors of this article.

---

[1] In addition, the ban does not apply to extreme and extended-use products for outdoor sports experts-such as outerwear for offshore sailing or mountaineering-that are not marketed for general consumer use until January 1, 2028. In the meantime, sellers may offer such products only with a "legible and easily discernable" disclosure stating "Made with PFAS chemicals," including in online listings. Cal. Health & Safety Code § 108971(a)(2).

[2]Cal. Bus. & Prof. Code § 17200 *et seq*.