

PFAS Labeling and Form Comments & Department Responses

This document provides a summary of the primary comments received from PFAS in Products stakeholders during the two week comment period on DEEP's Draft PFAS Labeling Order and Draft Reporting Form. The comments cut across multiple areas of concern, including confidentiality of information submitted through the reporting form; testing standards for PFAS and general compliance; coordination of both labeling and related legal developments across multiple jurisdictions (state & federal); differentiation between contact and non-contact surfaces (particularly as it relates to cookware); specifics of product notifications to DEEP; and definitions of particular terms. There were also a number of comments that could not be immediately addressed as the issues in question were matters of established state statute. For each comment, a response has been prepared that we believe has addressed appropriately the associated comment.

1) Confidentiality

Comment:

"The draft form does not allow a manufacturer to claim that any of the information submitted to DEEP is confidential business information (CBI). "In addition, DEEP must address basic procedural questions about the types of information that will qualify as CBI, how notifiers can assert CBI claims, and how CBI will be protected by entities responsible for managing DEEP's database and any multijurisdictional clearinghouse in which DEEP may choose to participate." – Performance Fluoropolymer Partnership, HCPA

Response: The final version of the reporting form will provide an option to designate specific information as CBI, and such information is generally exempt from FOIA under the "trade secrets" exemption. CGS Section 1-210(b)(5) defines trade secrets as *"information, including formulas, patterns, compilations, programs, devices, methods, techniques, processes, drawings, cost data, customer lists, film or television scripts or detailed production budgets that (i) derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from their disclosure or use, and (ii) are the subject of efforts that are reasonable under the circumstances to maintain secrecy."*

2) Reporting Standard

Comment:

“... the reporting standard is “known to or reasonably ascertainable by.” “Known to or reasonably ascertainable by” 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.” It does not create an obligation for novel testing. We strongly urge DEEP to adopt the “known to or reasonably ascertainable by” reporting standard.”
– Performance Fluoropolymer Partnership, HPCA

Response: DEEP has standard language in all of its forms in which an official for a manufacturer or producer affirms that the information submitted is true. *“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief.”* This language seems to be consistent with this comment’s concern.

Comment:

“There is currently no industry accepted test method that can definitively provide clear evidence of 0 ppm PFAS. Manufacturers will be unsure whether they can truthfully claim ‘PFAS-Free’ and avoid labeling.” - AHAM

Response: Labeling is triggered by intentionality, not merely presence. If the product does not contain intentionally added PFAS, then labeling is not required.

3) Labeling

Comment:

“We are concerned that the terms “Contain PFAS” and “Made with PFAS” are undefined and that consumers and workers will not understand the intent of labels containing this language.” We encourage DEEP to develop guidance on the interplay between Connecticut’s requirements, Federal law, and other states that may have similar PFAS labeling requirements HCPA. The commenter goes on to include specific.” - HCPA

Response: DEEP has included an expanded list of acceptable labels in the Order and is open to others suggested by producers on a case-by-case basis.

Comment:

“AHAM requests that DEEP allow labels in compliance with California AB 1200 to suffice with respect to the labeling requirements under the law.” - AHAM

Response: DEEP has determined that manufacturers and producers can propose a myriad of labeling language, including the terminology used in California.

Comment:

“We encourage DEEP to develop guidance on the interplay between Connecticut’s requirements, Federal law, and other states that may have similar PFAS labeling requirements.” – AHAM

Response: DEEP will continue to work with other states that have similar laws to promote consistency.

4) Compliance

Comment:

“Compliance timeline is insufficient.” - AHAM. Asking for 18 months.

Response: The established timeline is set by state statute. Only the legislature can change this timeline.

Comment:

“If a manufacturer has completed a Manufacturer Certification, would that meet the requirements of a certificate of compliance per Section 22a-903c(g)(2)? If not, how does the certificate of compliance per Section 22a-903c(g)(2) differ from a Manufacturer Certification?” - HCPA

Response: The registration form has standard language certifying that all the information contained on the form is true to the best of their knowledge. That includes information regarding PFAS data. Entities are certifying that their product does contain intentionally added PFAS. If a manufacturer or producer has not submitted a notification form, DEEP could request a Certification of Compliance if the department has reasonable suspicion that a product contains intentionally added PFAS.

5) Non-Food Contact and Non-Contact Surfaces

Comment:

“Connecticut would also include external; non-food contact components such as plastic housings that have flame retardants for national safety requirements.” “AHAM requests clarification that the 2026 labeling and 2028 prohibition is exclusive to food contact surfaces.” – AHAM.

Response: We have determined the labeling and prohibition does apply to a product if the component contains intentionally added PFAS. The public act states that “The provisions of this section shall not be construed to apply to: (1) Any product for which federal law governs or requires the presence of PFAS in the product in a manner that preempts state authority.”

6) Notification

Comment:

“What is the process for submitting notifications for new products entering the market or for updates to existing product information?” - AHAM

Response: The notification form will be posted on our website and the producer can submit an updated form as needed. There is a check box on the form to indicate if it is an update.

7) Consistency with Other States

Comment:

“Furthermore, given that many of the product categories addressed in this statute are subject to similar prohibitions in Minnesota, Maine, and potentially other states, each with differing implementation timelines, we encourage DEEP to monitor these developments closely and align to the extent possible to minimize market disruptions and facilitate consistent enforcement by DEEP.” - HPCA

Response: DEEP will continue to communicate with the other states that have similar laws to maintain consistency.

8) Definitions

Comment:

“HCPA and PCPC are concerned that several terms in the statute are either undefined or are ambiguously defined”

Response: Such concerns would need to be raised with the legislature directly.