

What is PFAS?

Per- and Polyfluoroalkyl Substances (“PFAS”), also known as “forever chemicals”, are a class of man-made chemicals used in countless consumer products that are most known for their material properties such as resistance to water, oil, friction, and increased durability. The strong carbon-fluorine bonds of PFAS make some of them resistant to degradation and thus highly persistent in the environment. Some of these chemicals have been used for decades in a wide variety of consumer and industrial products. Products used within the RV industry that may contain PFAS, include but are not limited to: **textile articles, carpets, rugs, fabric treatment, furnishings, upholstery, flame retardants, adhesives, solar components, and semiconductors.**

Understanding the Issues and Impact

Federal

In October 2023, the EPA finalized the Toxic Substances Control Act (TSCA) Section 8(a)(7) Reporting and Record Keeping Rule, which **mandates the reporting of PFAS** by the manufacturers or importers of PFAS or PFAS-containing articles in any year since January 1, 2011.

Any entities, including small entities, that have manufactured (including imported) PFAS in any year since 2011 will have until 4/11/2025 to report PFAS data to the EPA.

Small manufacturers whose reporting obligations under this rule are exclusively from article imports will have until 10/11/2025 to report PFAS to the EPA. To qualify as a “small manufacturer,” annual sales combined with a parent company must not exceed \$120 million and production cannot exceed 100,000 pounds of “chemical substance”; or if combined annual sales with a parent company are less than \$12 million, there is no weight requirement (as defined at 40 CFR 704.3).

[Click here to view the final rule.](#)

State

Additionally, individual states are now proposing much broader registration and/or bans of intentionally added PFAS in products utilized by manufacturers and suppliers. In the past two years alone, (1) Maine and Minnesota passed laws banning or phasing out PFAS and/or intentionally added PFAS and (2) California has passed two laws banning PFAS in specific product categories, including textile articles. And this year, two more states – Colorado and Connecticut – have passed bans. The expectation is that this type of legislation will continue to proliferate as 16 states have already introduced legislation in

2024 that could impact manufacturers and suppliers. With many, but not all, legislatures finished for the year we expect many of these bills to be reintroduced in 2025.

A few of these states do include exemptions. For example, the California law banning PFAS in textile articles includes an exemption for motor vehicles. The Maine law also includes an exemption for motor vehicles, while the Connecticut law exempts certain products found in motor vehicles that would otherwise apply to the law. Although these exemptions include RVs (both motorized and towable), there is some ambiguity as to whether certain components may still be subject to the PFAS laws in Maine and Connecticut.

What you need to know

- RV businesses that manufacture or import PFAS or PFAS-containing articles will likely be responsible for the registration and reporting of PFAS to the EPA.
- Starting in 2026, states may have bans or registration requirements on your product, regardless of the federal registration and reporting requirement.
- Some states are allowing an “unavoidable use” exemption, which will allow the state to exempt PFAS uses for which there is no alternative.
- It will be important for companies to know, if they don’t already, which products contain PFAS.
- Alternatives to PFAS products are not always readily available to replace products that contain PFAS. The National Association of Manufacturers (NAM) states that it may take decades to invest and develop alternatives.

Additional Resources

- On June 25th, the RV Industry Association will host a [webinar](#), led by the Environmental Practice Group of Polsinelli Law Firm, which will discuss our industry’s requirements for the federal registration and reporting of products.
- [Summary of EPA’s Final Rule](#)
- [TSCA Section 8\(a\)\(7\) Rule, Frequently Asked Questions](#) (includes definitions)
- [Instructions for Reporting PFAS Under TSCA Section 8\(a\)\(7\)](#)
- [TSCA 8a7 Small Entity Compliance Guidance](#)
- [Public List of TSCA PFAS for 8\(a\)\(7\) Rule](#)

Following RVs Move America Week (RVMAW), the RV Industry Association’s Government Affairs team will be reaching out to members with a survey to better understand the impact of PFAS on their companies and the broader industry. Please be on the lookout for this survey and other PFAS-related publications in upcoming RV Industry Association newsletters and emails.