Memorandum of Support

S.3529 (Fernandez)/A.5990 (Rosenthal)

Purpose: This bill would prohibit the use of certain restricted substances in period products including, but not limited to, lead, mercury, formaldehyde, triclosan, toluene, talc, and per- and polyfluoroalkyl substances (PFAS). This legislation will also ban the use of such restricted substances as a fragrance, colorant, dye, preservatives or other intentionally added ingredient for the preservation of products.

Statement of Support: Period products are widely used in the United States and the most common and popular period products are tampons and menstrual pads, used by 70-85 percent of those who menstruate, constituting a $3 billion dollar industry. From current product testing, and the requirement of ingredient disclosure due to the passage of the Menstrual Products Disclosure Law in 2019 by the NYS Legislature, many hazardous ingredients have been found in these products, and yet many New Yorkers are unaware of the harmful chemicals they may be exposing themselves to.

One of the most egregious chemicals found in period products are per- and polyfluoroalkyl substances (PFAS). PFAS chemicals have been used since the 1940s in thousands of products including nonstick cookware, electronics, food and textile production, plastic and rubber, stain repellents, polishes, and paints and coatings. By design, they do not break down easily, and studies have shown that these “forever chemicals” accumulate in our bodies over time and increase the risk of long-term health problems, including endocrine and thyroid disruption, impacts on the immune system, reproductive toxicity, and testicular and kidney cancer. Children are especially vulnerable to the toxic effects of these chemicals due to their small size, particular metabolic capabilities, and still-developing brains and major organs.

PFAS chemicals have been discovered in drinking water all around New York State, including the shockingly high levels found in Hoosick Falls and Newburgh as the result of PFAS use in manufacturing and firefighting foams. New York State has taken steps to reduce our exposure by banning the use of PFAS in firefighting foam, food packaging, and most recently in apparel. These are important steps, but more action is needed, as the use of PFAS chemicals continues to permeate many different product sectors.

S.3529/A.5990 would prohibit the use of certain restricted substances in period products including, but not limited to, lead, mercury, formaldehyde, triclosan, toluene, talc, and per- and polyfluoroalkyl substances (PFAS). This legislation will also ban the use of such restricted substances as a fragrance, colorant, dye, preservatives or other intentionally added ingredient for the preservation of products. The exposure of these many chemicals, including PFAS chemicals in such an intimate area of the body is extremely toxic and is
just one more path of exposure that we are inundated with each day. These toxic chemicals do not break down in the human body, nor do they break down in the environment, meaning they remain and accumulate for years to come. The chemicals eventually find their way into the environment when they are thrown away, ending up in a landfill, incinerator or drinking water.

The Sierra Club Atlantic Chapter strongly supports S.3529/A.5990 as part of the larger effort to stop the exposure of humans and wildlife to these toxic “forever chemicals.” Ridding our environment of these ubiquitous toxins will improve public health and reduce the costs of healthcare and expensive filtration of drinking water. S.3529/A.5990 would help limit yet another pathway of PFAS exposure for New Yorkers.

**The Sierra Club Atlantic Chapter Strongly Urges Your Support of S.3529/A.5990.**