

CITY OF NEWTON

IN CITY COUNCIL

February 5, 2024

RESOLUTION

**Resolution urging the City to avoid the purchase or use of products containing PFAS (“forever chemicals”)**

WHEREAS the City of Newton strives to implement policies to protect and improve the health and safety of its residents; and

WHEREAS fluorinated hydrocarbons (also known as organofluorines), including per- and polyfluoroalkyl substances (“PFAS”), are a group of thousands of primarily synthetic organic chemicals that contain carbon-fluorine bonds, a condition that occurs in nature only rarely; and

WHEREAS the carbon-fluorine bond is so strong, these chemicals persist in our environment, and are thus often called “Forever Chemicals;” and

WHEREAS some PFAS enter our food chain and accumulate in living organisms; and

WHEREAS some PFAS have been associated with severe health effects in humans at very low levels, i.e., parts per trillion (ppt), including:

- kidney, thyroid, and testicular cancers,
- hormone disruption and lowered sex and growth hormones in children, and altered mammary gland development,
- immune system effects, such as decreased response to vaccines in children, high cholesterol, thyroid disease, and hypertension; and

WHEREAS the production of synthetic petrochemicals is energy intensive and generates large amount of greenhouse gasses; and

WHEREAS PFAS are widely used to manufacture non-stick, grease, and stain-resistant coatings in a variety of industrial and consumer products, including propellants, food packaging, non-stick cookware, stain-resistant carpets and upholstery, furniture, construction materials, ski wax, floor wax, paint, lubricants, outdoor gear, synthetic turf, and firefighting foams and fire-protective personal protective equipment; and

WHEREAS over 6,400 PFAS-related lawsuits for endangering public health and harming and destroying natural resources have been filed in federal courts between July 2005 and March 2022; and

WHEREAS in 2022, a bipartisan coalition of 22 state attorneys general (AGs), which included then AG Maura Healey, filed a class action lawsuit against PFAS manufacturers such as 3M, DuPont, Chemours, and Corteva for drinking water pollution and other harms, which likely will be settled for an amount exceeding \$10 billion; and

WHEREAS Massachusetts, Maine, Vermont, and Rhode Island have begun to regulate PFAS in drinking water, and Massachusetts, Rhode Island, and Vermont have done so for groundwater (all at levels not to exceed 20 ppt); and

WHEREAS the Newton Public Building and School departments purchase only Environmentally Friendly Cleaning Products through the GreenSeal certification that now includes PFAS-free products for all schools, City Hall and the Library; and

WHEREAS several municipalities across the country, such as the City of San Francisco, have adopted environmentally preferable purchasing policies that include the avoidance of PFAS; and

WHEREAS the Materials Buyers Club, of which the City of San Francisco and Harvard University are members, seeks to avoid the purchase of products that contain PFAS, PVC, and other chemicals of concern from building materials and furnishings; and

WHEREAS there are resources available to the City of Newton to guide their purchasing decisions, including the Harvard Sustainability Department Compliant Matrix Protocol and the San Francisco Approved list for various product categories; and

WHEREAS the Commonwealth's Operational Services Division (OSD) published, in May 2023, an extensive guide (prepared by the Responsible Purchasing Network) for all state procurement offices to assist them in avoiding PFAS in products purchased through state contracts, titled A Slick New Guide to Avoiding PFAS (Forever Chemicals) in Products Using Massachusetts Statewide Contracts (<https://www.mass.gov/doc/pfas-free-buying-guide/download>); and

WHEREAS President Biden issued Executive Order No. 14057 on Dec. 8, 2021, that incorporates the Federal Sustainability Plan to leverage the federal government's procurement powers to prioritize the procurement of products that contain no added PFAS; and

WHEREAS many other states have enacted laws to ban the presence of PFAS in a variety of products; and

WHEREAS the State of Maine became the first government body to require that as of January 1, 2023, manufacturers have been required to report the presence of intentionally added PFAS

in their products; and under the same law, the State has prohibited the sale of carpets, rugs, and fabric treatments that contain intentionally added PFAS, also effective January 1, 2023; and effective January 1, 2030, any product containing intentionally added PFAS may not be sold in Maine unless the use of PFAS in the product is specifically designated as a currently unavoidable use by the Department. (Maine Public Law c. 477, An Act to Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution, July 2021); and

WHEREAS Massachusetts is among the minority of states that has not yet enacted bans on the presence of PFAS in products, though such legislation currently has been filed during the 2023-2024 legislative session; and


WHEREAS the City of Newton Department of Health and Human Services aims to limit residents' PFAS exposure through community education and consumer awareness and will be making information on PFAS easily accessible by posting a series of education content pieces that include flyers, videos, and social media infographics, and a page on the City website; and WHEREAS City departments have already taken measures to reduce PFAS exposure in products purchased by the City, including the following:

- The Fire Department is actively engaged in reducing PFAS exposure to its firefighters and the public by purchasing Class B firefighting foam that is PFAS-free and is no longer having firefighters wear their PFAS-containing protective gear when responding to EMT calls;
- The Public Building Department requires suppliers to submit Environmental Product Declarations, which helps staff to weed out those products that have high VOCs, lead, PFAS or other carcinogens, poisons, or irritants; and

NOW, THEREFORE, BE IT RESOLVED, that:

1. The City of Newton purchase and use products that are certified free of PFAS where such products are available in the marketplace, and encourage its suppliers to develop PFAS-free versions of products that currently do not have ready substitutes; and
2. The Newton City Council urges the mayor and our state legislators to support state-wide regulation of products containing fluorinated hydrocarbons, such as S.1356 / H.2197 An Act to Protect Massachusetts Public Health from PFAS.

Under Suspension of Rules  
Readings Waived and Approved  
23 yeas 0 nays 1 absent (Councilor Humphrey)

  
(SGD) CAROL MOORE  
Acting City Clerk