AUTO CARE ASSOCIATION | STATE PFAS COMPLIANCE SERIES

New Hampshire PFAS Compliance

RSA 149-M:64 (HB 1649, 2024, as amended) and rule Env-Sw 2300.
Sales bans begin January 1, 2027



WHAT IS PFAS?

Per- and polyfluoroalkyl substances (PFAS) are a class of fluorinated chemicals. New Hampshire bans products with **intentionally added** PFAS: PFAS that a manufacturer has intentionally added to a product or product component.

WHO MUST COMPLY

The law bars the sale, offer for sale, distribution for sale, or promotional distribution of covered products in New Hampshire, so it reaches manufacturers, distributors, and retailers. Manufacturer means a person that produces the product, or an importer or domestic distributor of it. Manufacturers and suppliers answer certificate of compliance requests.

KEY DATES AND SALES BANS

Date	What happens
Jan 1, 2027	Banned: carpets or rugs, textile treatments, textile furnishings, upholstered furniture, juvenile products, cosmetics, feminine hygiene products, food packaging and containers, and waxes for boats, skis, surfboards, bodyboards, or skimboards

WHAT TO REPORT

New Hampshire has no product reporting requirement. On request from the New Hampshire Department of Environmental Services (NHDES), a manufacturer or supplier must, within 30 days, either:

- Provide a certificate of compliance, signed by an authorized official, stating the product has no intentionally added PFAS or naming the exemption that applies, or
- Notify the businesses selling the product that its sale is prohibited, and send NHDES a copy of the notice and a list of those notified

A reformulated or new product needs an amended or new certificate.

PENALTIES

- Administrative fines up to $2,000 per violation
- Civil forfeiture up to $25,000 per violation; each day of a continuing violation counts separately
- Knowing violations, and knowingly false statements on a certificate of compliance, are crimes

AUTOMOTIVE AFTERMARKET PRODUCTS IN SCOPE

- **Textile treatments:** products applied to a textile to give or enhance one or more characteristics. Aftermarket fabric and upholstery protectants may fall in this category.
- **Carpets or rugs:** fabric products used as a floor covering in households or businesses. There is no vehicle exclusion. Whether vehicle floor mats fall in this category is not settled; confirm against the definitions.
- **Textile furnishings:** textile goods customarily used in households and businesses. There is no vehicle exclusion. Seat covers may fall in this category; confirm against the definitions.
- **Juvenile products:** include child restraint systems for use in motor vehicles.
- **Boat waxes** are banned. Car waxes, cleaning products, and appearance chemicals other than textile treatments are not covered.

EXEMPTIONS

- Products manufactured before Jan 1, 2027, including their resale
- Replacement parts for products manufactured before Jan 1, 2027
- Products with at least 85 percent recycled content
- Products where federal law governs PFAS in a way that preempts state authority
- FDA-regulated drugs and medical devices

HOW TO COMPLY

Manufacturers and suppliers

- Confirm which protectants, mats, covers, car seats, and boat waxes contain intentionally added PFAS
- Record manufacture dates; stock made before Jan 1, 2027 can still be sold
- Prepare certificates of compliance so you can answer within 30 days

Distributors

- Stop distributing covered products with intentionally added PFAS made on or after Jan 1, 2027
- Ask suppliers for PFAS status and manufacture dates
- Act on supplier notices that a product is prohibited

Retailers

- Stop selling covered products with intentionally added PFAS made on or after Jan 1, 2027, in stores and online
- Keep manufacture-date records for older stock
- Act on supplier or NHDES notices that a product is prohibited

RESOURCES

RSA 149-M:64 (statute) | RSA 149-M:38 (enforcement) | Env-Sw 2300 (rule)

Agency questions: NHDES PFAS in Consumer Products Program, PFASConsumerProducts@des.nh.gov, (603) 271-5317 | Association questions: govaffairs@autocare.org

Current as of November 13, 2026. For awareness only, not legal advice. Confirm obligations with NHDES or your counsel.