Recycled Materials Association

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ReMA Per-and Polyfluoroalkyl Substances Position

As Approved by ReMA's Board of Directors on October 9, 2025

Per-and Polyfluoroalkyl Substances (PFAS) pose significant challenges and uncertainties for the recycled materials industry due to their widespread use across industrial, commercial and consumer products.

From coatings on textiles to electronics and construction materials, the presence of PFAS are pervasive. As such, many of the items handled and processed by the recycled materials industry may contain PFAS – ranging from automotive components such as carpeting, bearings, and fuel lines to household goods including appliances, cooking equipment and food packaging. Unfortunately, PFAS do not solely pose challenges to the recycled materials industry but are a societal concern, with their impacts ranging from soil to water contamination even outside of industrial sites. Yet because of the substances' widespread presence in end-of-life products, our industry inevitably encounters PFAS – leading to operational and compliance challenges that may be difficult to manage and prevent since recyclers have limited control over the products and subsequently the contents of the products they receive at end of life.

The recycled materials industry faces a unique challenge – we are Passive Receivers.

As government entities advance efforts to mitigate the health and environmental impacts of certain PFAS and pursue cleanup measures, it is critical that policymakers recognize the potential for unintended consequences, particularly for industries responsible for managing end-of-life materials and giving them new life in society – such as end-of-life automobiles becoming the feedstock for new steel production.

The widespread and long-term use of PFAS has made them ubiquitous and therefore difficult to identify and nearly impossible to remove from the recycling stream. Regulatory efforts grounded in the "polluter pays" principle may inadvertently implicate those parties – such as recyclers and the recycled materials industry – who neither manufactured PFAS nor intentionally added them into products. From a recycled materials standpoint, PFAS are incidental and offer no value to recycling processes or recycled materials; they have no function or role in the recycling process. The presence of PFAS in recycling streams is not a result of the recycling process, but rather is a result of these substances' widespread use in society.

Entities that did not contribute to the manufacture of these substances, nor partake in the incorporation of such substances into new products, should be granted appropriate protections under the law.

The recycled materials industry plays a foundational role in transforming obsolete, end-of-life material across all sectors of the economy into the high-quality recycled materials essential for creating both everyday items and the critical infrastructure on which people depend. By enabling domestic sourcing and reducing the energy intensity of manufacturing, the industry supports resilient supply chains and global sustainability goals. Environmental stewardship and recycling go hand-in-hand and actions to address PFAS contamination must not undermine the industry's essential contribution to a more sustainable future.

Unrealistic or poorly designed PFAS regulations threaten not only recycling operations but also national supply chains, potentially increasing reliance on primary materials and harming the industry's ability to provide essential supply chain resiliency. Protecting recyclers and the recycled materials industry from unfair liability schemes is essential to achieving national environmental and economic priorities.

As policymakers take action to regulate PFAS, ReMA urges consideration of the following principles:

- **PFAS-Related Regulations must be Reasonable and Feasible and Avoid Unintended Consequences:** PFAS may be regulated under multiple federal acts including Clean Water Act (CWA), Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA; aka Superfund), and Toxic Substances Control Act (TSCA). Due to the ubiquitous nature and long-term usage of PFAS, blanket regulation under these authorities will have unintended consequences to the recycled materials industry. PFAS-related regulations must be carefully crafted to avoid adverse consequences for the recycled materials industry.

- **Recognition as Passive Receivers:** The recycled materials industry should be explicitly recognized as *passive receivers* of PFAS, not generators, contributors, or users. These substances enter the recycling stream through no fault or action of the industry, and liability frameworks must reflect that reality. ReMA supports protections from CERCLA and other liability regimes for recycling entities that handle and process PFAS containing products and materials at end-of-life or obsolescence in the normal course of business.

- **Well-Crafted Product Restrictions & Bans:** As long-standing environmental stewards, the recycled materials industry supports thoughtful PFAS restrictions that focus on "*intentionally added"* substances. Legislative and regulatory texts must clearly define "*intentionally added*" and ensure that such definitions exclude the use of recycled materials that may contain PFAS due to their presence in legacy products. Any bans or restrictions on PFAS-containing products should account for long product lifespans, and that a product may take 5-20 years to enter the recycling stream. Prohibitions should not be retroactive or disrupt the processing of recyclable materials from older goods.

- **Clear, Practical, and Science-Based Testing Requirements:** Should PFAS testing be required as Spart of permitting or other regulatory frameworks, it must be grounded in scientific consensus and feasible for implementation. Regulators should provide clear and standardized guidance on what to test for; how and when to test; where to send samples; and what thresholds are actionable.

- **Support for PFAS Research, Innovation and Safe Removal Technologies:** Continued investment in proven and cost-effective technologies and control practices is vital to both remediating existing PFAS contamination and preventing new contamination. All solutions should be developed in collaboration with industry to ensure they are operationally feasible.

- **Product Design:** Product and material design using Design for Recycling® principles will support the prevention of PFAS contamination by reducing the use of PFAS in manufacturing. Collaboration among manufacturers, recyclers, government, and other stakeholders is key to designing and manufacturing products and materials without the use of PFAS for functional or processing purposes. When PFAS are deemed essential for these purposes, the full life cycle must be considered in conjunction with the recycled materials industry and supported by dedicated investments in research, development, and demonstration activities.

As Passive Receivers, we support a focus on full life cycle analysis, product phase-out, and practical pollution prevention and reduction programs to minimize our environmental impacts.