



STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GRETCHEN WHITMER  
GOVERNOR

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LT. GOVERNOR

**EXECUTIVE DIRECTIVE**

**No. 2021-8**

To: State Department Directors and Autonomous Agency Heads  
From: Governor Gretchen Whitmer  
Date: October 27, 2021  
Re: Reducing State Purchases of Products Containing Intentionally Added PFAS

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Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are a large group of chemicals that have been used globally in manufacturing, firefighting, and thousands of common household and other consumer products since the 1940s. PFAS are stable chemicals, breaking down slowly in the environment, such that they accumulate over time, and they also are highly soluble, easily transferring through soil to groundwater. As a result, they are persistent in the environment and in the human body.

While research is ongoing, there is evidence that exposure to PFAS can lead to adverse human health effects. People can be exposed to PFAS in a variety of ways, including through the water they drink or the foods they eat, working at locations where PFAS are produced or used in manufacturing, or when PFAS are released during normal use, biodegradation, or disposal of consumer products containing PFAS.

To address the threat posed by PFAS contamination, protect public health, and ensure the safety of Michigan's land, air, and water, I issued Executive Order (EO) 2019-3 on February 4, 2019. EO 2019-3 made the Michigan PFAS Action Response Team (MPART) an established, enduring body and directed MPART to increase citizen engagement, transparency, and accountability in the ongoing state efforts to identify PFAS contamination and protect public health. Michigan's proactive and transparent approach to PFAS contamination is widely recognized as a national model for action on PFAS. To date, no state or federal agency has done more to address PFAS contamination, hold responsible parties accountable, and educate the public about this class of chemicals. While the State of Michigan has made significant progress in this regard, additional action remains necessary to protect from the wide-ranging effects of PFAS contamination.

In addition to reacting to PFAS contamination and its impact on the environment and human health, the State of Michigan should also seek to address this problem proactively through limiting the state's purchase of nonessential products that contain intentionally added PFAS. The State of Michigan should use its purchasing power – an estimated \$2.5 billion annually – to incentivize suppliers to offer products that do not contain intentionally added PFAS by seeking to purchase such products where possible. Further, the purchase of products free of intentionally added PFAS will reduce the amount of PFAS contamination and human exposure. The health and welfare of the state's residents should drive purchasing decisions by the state.

Acting under sections 1 and 8 of Article 5 of the Michigan Constitution of 1963, I direct the following:

1. The Department of Technology, Management and Budget (the Department) must take appropriate action to ensure that proposals from potential suppliers in connection with exercises of procurement authority by the Department or delegated by the Department disclose whether a product, including its components (which includes packaging), contains intentionally added PFAS. To the extent that a product, or its components, contains intentionally added PFAS, the proposal must:
  - (a) provide an explanation with respect to the intentionally added PFAS contents, including the purpose for which PFAS are used in the product or its components, the types of PFAS used in the product or its components, and the amount of each PFAS used in the product or its components;
  - (b) indicate whether the product will be labeled or packaged with information about the intentionally added PFAS contents;
  - (c) identify any alternative products that do not contain intentionally added PFAS; and
  - (d) provide any additional information that would further the Department's implementation of this directive.
  
2. The Department must adopt policies and procedures, consistent with state and federal law, with respect to exercises of procurement authority by the Department and other state departments and agencies exercising procurement authority delegated by the Department to ensure that:
  - (a) preference be given to proposals from suppliers offering products, including components, that do not contain intentionally added PFAS; products containing intentionally added PFAS should only be purchased, contracted for, or otherwise provided as part of a procurement action where there is not a comparable alternative available or no proposals have been submitted for a product free of intentionally added PFAS; and
  - (b) appropriate efforts are made to encourage suppliers offering products, including components, that do not contain intentionally added PFAS to submit proposals.

3. All departments and agencies must follow the policies and procedures developed by the Department in connection with this directive for all purchases of products to the fullest extent permitted by state and federal law.
4. The director of the Department must enforce the requirements of this directive and any policies, procedures, or department directives issued to implement this directive. In exercising general supervisory control over the functions and activities of all administrative departments, boards, commissioners and officers of the state, and of all state institutions as required by section 3 of 1921 PA 2, as amended, MCL 17.3, the State Administrative Board must monitor compliance with the requirements of this directive. A report of a violation of this directive must be transmitted to the director of the Department, the secretary of the State Administrative Board, and the governor's Chief Compliance Officer. The State Administrative Board may take action to enforce the requirements of this directive to the extent consistent with 1921 PA 2, MCL 17.1 to 17.3.

This directive is effective immediately.

Thank you for your cooperation in implementing this directive.



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Gretchen Whitmer  
Governor