



## American Forest & Paper Association

### Statement Submitted for the Record House Committee on Environment

House Bill 2658 (HB 2658)  
January 22, 2018

The American Forest & Paper Association appreciate this opportunity to provide the following views to the House Committee on Environment concerning House Bill 2658 (HB 2658).

#### **Introduction**

The American Forest & Paper Association (AF&PA) serves to advance a sustainable U.S. pulp, paper, packaging, and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry's sustainability initiative - *Better Practices, Better Planet 2020*. The forest products industry accounts for approximately 4 percent of the total U.S. manufacturing GDP, manufactures approximately \$200 billion in products annually, and employs nearly 900,000 men and women. The industry meets a payroll of approximately \$50 billion annually and is among the top 10 manufacturing sector employers in 45 states.

AF&PA has concerns about HB 2658, legislation that would ban certain perfluorinated chemicals in packaging. The legislation should be amended either to target intentionally-added long-chain fluorinated chemicals, or to establish a de minimis threshold.

#### **Fluorochemicals Should Not be Looked upon as One Toxicologically-Similar Class of Chemistry**

Some of our members use short-chain fluorinated chemicals (fluorinated polymers) in food packaging to prevent oil and grease from seeping through the packaging. These coatings are useful for paper and paperboard packaging for high-oil and high-grease content foods, such as popcorn bags, fast food wrappers, pizza boxes and disposable plates. In heated food applications, the use of this chemistry prevents the migration of hot oil or grease through the package and may mitigate burns. Non-fluorinated alternatives for food packaging do not provide the same protection properties.

While concerns have been raised regarding potential environmental contamination issues

related to long-chain fluorinated chemicals, these chemicals are neither used in nor relevant to the current fluorinated chemicals used in food packaging. Approximately ten years ago, chemical manufacturers began working with the U.S. Environmental Protection Agency (EPA) and other regulators to globally phase out long-chained fluorinated polymers which include PFOA and PFOS. That successful phase out has now been completed. During this process, chemical manufacturers initiated an intensive research and development effort to create innovative, well-studied alternatives, namely based on short-chain fluorinated polymers. These chemicals have greatly improved human and environmental health profiles with significantly shorter half-lives and lowered toxicity.

### **Fluorinated Chemicals Have Been Approved by the U.S. Food and Drug Administration (FDA) for Use in Food Packaging**

Before a food contact substance can be sold or distributed in the U.S., it must be carefully reviewed by FDA. Under the Federal Food, Drug and Cosmetic Act, FDA can only allow for the use of a food contact substance used in food packaging if the agency concludes that there is sufficient test data and scientific information to demonstrate that the substance is safe for its intended use in food packaging with “safe” meaning a reasonable certainty of no harm. Many of the updated short-chain fluorinated chemicals were approved between 2005 and 2016. Consequently, any further regulation of acceptable fluorinated food packaging materials would negatively affect commerce and would provide no benefits to public or environmental health.

### **The Department of Ecology in its Alternatives Assessments Should be Allowed to Separate Older Technology from the Updated FDA Approved Chemistry**

The House bill requires the Department of Ecology to complete an Alternative Assessment to determine if there are safer alternatives to PFAS chemicals. We would encourage that the bill language is changed to allow the opportunity to include the FDA-approved products in this assessment. If such an assessment is completed and the Department of Ecology concludes that C6 technology is a safer alternative, then this information should be deemed sufficient to be included in the certificate of compliance stating that a package or packaging component is in compliance with the requirements of the chapter of the law.

### **Legislation Should Target Intentionally-Added Long-Chain Fluorinated Chemicals and Provide a De Minimis Threshold**

In order to minimize the compliance burden on manufacturers that do not use the long-chain chemicals, the legislation should be amended to expressly target intentionally-added long-chain chemicals and create a de minimis threshold. This will create certainty for producers and consumers of FDA-approved packaging.

### **Conclusion**

For the reasons stated above, AF&PA respectfully opposes HB 2658 until the bill is further amended. As we continue to review the new amendments, we may have further comments, and stand ready to assist you and offer our expertise as a resource as you

continue the dialogue on this important issue. We thank the Committee for the opportunity to share our concerns. If you have any questions, please contact Terry Webber, Director, Government Affairs at [Terry\\_Webber@afandpa.org](mailto:Terry_Webber@afandpa.org) or (971) 235-8816.