



**American
Forest & Paper
Association**

April 24, 2017

The Honorable Phil Ting
California State Assembly
State Capitol Building
Sacramento, California 95814

Position: Oppose Unless Amended

Location: Environmental Safety & Toxic Materials

Re: AB 958 Hazardous materials: fluorinated chemicals: take-out food service ware and packaging (As amended March 21, 2017)

Dear Assemblymember Ting:

On behalf of the American Forest & Paper Association (AF&PA)¹, I am writing to express concerns about AB 958, legislation that would ban packaging that contains a perfluorinated chemical. **AF&PA opposes AB 958 because the U.S. Food and Drug Administration (FDA) thoroughly regulates food packaging and AB 958's overly broad language could result in banning packaging approved by FDA. As written, AB 958 is overly broad and most applications of the bill would not protect public health.**

The assembly bill targets "fluorinated chemicals" with the definition of an organic or inorganic substance that contains at least one fluorine atom, including, but not limited to, a perfluorinated or polyfluorinated alkyl substance, fluorinated polymer, or fluorotelomer-based chemical. The legislation's definition is so broad it could basically prohibit the sale of prepared food or fast food in, on, or with take-out food service ware or packaging. Fluorine is a naturally occurring, widely distributed element and a member of the halogen family. Fluorine rarely occurs in its elemental state due to its high chemical reactivity and salts of fluorine are called fluorides. Fluorides occur naturally in the earth's crust where they are found in rocks, coal, clay, and soil. These fluorides cannot be destroyed in the environment; they can only change form. Since fluorides are in soil, they can be absorbed by plants and trees. Thus, it is likely that "at least one fluorine atom" will be included naturally in paper—made from trees. Paper is basically a cellulosic polymer that is innocuous. Consequently, including this overly broad definition that would include paper products containing fluoride chemistry as a substance of concern in this legislation is without merit.

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.

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.

Recently Formulated 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 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 these newer 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.

Conclusion

For the reasons stated above, AF&PA respectfully opposes AB 958. We encourage you to avoid costly and unnecessary duplication of federal regulation, and stand ready to assist you and offer our expertise as a resource as you continue the dialogue on this important issue. If you have any questions, please contact our legislative advocate, Kathryn Lynch, at (916) 443-0202 or lynch@lynchlobby.com.

cc: Ms. Graciela Castillo-Krings, Deputy Legislative Secretary, Governor’s Office
Ms. Jennifer Galehouse, Principal Consultant, Assembly Appropriations Committee
Mr. Chris Holtz, Fiscal Consultant, Assembly Republican Caucus
Ms. Kathryn Lynch, Legislative Advocate
American Forest & Paper Association

ⁱ 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

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and women. The industry meets a payroll of approximately \$50 billion annually and is among the top 10 manufacturing sector employers in 45 states. Visit AF&PA online at www.afandpa.org or follow us on Twitter @ForestandPaper. In California, the industry employs more than 22,000 individuals and has over 420 paper manufacturing facilities.