Flexible Packaging Association
Connecting. Advancing. Leading.

185 Admiral Cochrane Drive
Suite 105
Annapolis, MD 21401

Tel (410) 694-0800
Fax (410) 694-0900

www.flexpack.org

April 26, 2021

House Committee on Human Services
Vermont General Assembly
Montpelier, VT 02903

To Chairwoman Pugh & Members of the Committee:

The Flexible Packaging Association (FPA) is submitting testimony in opposition to SB20, "An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products," in its current form.

I am Alison Keane, President and CEO of FPA, which represents flexible packaging manufacturers and suppliers to the industry in the U.S. Flexible packaging represents $33.6 billion in annual sales; is the second largest, and fastest growing segment of the packaging industry; and employs approximately 80,000 workers in the United States. Flexible packaging is produced from paper, plastic, film, aluminum foil, or any combination of these materials, and includes bags, pouches, labels, liners, wraps, rollstock, and other flexible products.

These are products that you and I use every day – including hermetically sealed food and beverage products such as cereal, bread, frozen meals, infant formula, and juice; as well as sterile health and beauty items and pharmaceuticals, such as aspirin, shampoo, feminine hygiene products, and disinfecting wipes. Even packaging for pet food uses flexible packaging to deliver fresh and healthy meals to a variety of animals. Flexible packaging is also used for medical device packaging to ensure that the products packaged, diagnostic tests, IV solutions and sets, syringes, catheters, intubation tubes, isolation gowns, and other personal protective equipment maintain their sterility and efficacy at the time of use. Trash and medical waste receptacles use can liners to manage business, institutional, medical, and household waste. Carry-out and take-out food containers and e-commerce delivery,

which are increasingly important during this national emergency, are also heavily supported by the flexible packaging industry.

FPA members are aware of increasing concerns related to Per- and Polyfluoroalkyl Substances (PFAS) as environmental contaminants, some of which also have human health implications. We are aware of intentions at both Federal and State levels to regulate certain PFAS to reduce its adverse effects to human health and the environment. This is a complex subject largely because there is no globally consistent convention listing all substances of concern that are part of the PFAS group, and those that are listed do not share all the same concerns. This situation has created confusion among many stakeholders along the supply chain, which in turn has driven unfounded generalization of these concerns.

The group of PFAS that is has been the main focus of public and regulatory concern include perfluoro-octanoic acid (PFOA), perfluoro-octane sulfonate (PFOS), perfluoro-alkyl phosphate esters (PAPs), perfluoroalkyl carboxylic acids (PFCAs) or perfluoroalkyl sulfonates (PFSAs). We are not aware that these environmentally more prevalent and persistent perfluoroalkyl substances are intentionally added to flexible packaging products or that they are associated with manufacturing any of our raw materials. SB20 would ban all intentionally added PFAS in food packaging without regard to type or risk to human and health and the environment. It is the only such legislation in the country.

In fact, only three states have enacted general bans on food packaging containing PFAS: Washington, New York, and Maine. In two of these state, a simpler and more understandable definition of food packaging is used and FPA recommends that SB20 be amended to mirror the majority of other states. Further, two out of these three states also have included an alternatives assessment to ensure alternative chemicals exists before banning these and to ensure that they exist in the quantities and quality necessary and that there are no unintended human health and environmental risks of the alternatives. Thus, FPA also recommends that SB20 be amended to contain this alternatives assessment provision. FPA is part of and supports the Associated Industries of Vermont's discussion draft submitted for these purposes.

PFAS in food packaging are authorized as food contact and non-food contact materials by the US Food and Drug Administration (FDA) and have gone through significant review both with-in the FDA as well as by the Environmental Protection Agency. This is where these types of determinations should be made. Making such determinations at the state level, without the requisite expertise and science-based assessments sets dangerous precedent, which could have far reaching impacts on both interstate and intrastate commerce and unintended consequences for human health and the environment. In the light of this, FPA urges the Committee to vote no on SB20 or at the minimum amend the bill as stated above.

Sincerely,

Alison Keane, Esq., CAE, IOM
President & CEO