

July 1, 2022

Honorable Dan McKee  
Governor  
State of Rhode Island  
82 Smith St  
Cranston, RI 02905  
*Submitted Electronically*

**Re: Opposition to S. 2044/H. 7438 – An Act Relating to Health and Safety – Toxic Packaging Reduction Act**

Dear Governor McKee:

The Flexible Packaging Association (FPA) is writing to urge you to veto S. 2044/H. 7438, which will create a prohibition on the sale or promotional distribution of any food package containing perfluoroalkyl and polyfluoroalkyl substances (PFAS) using a flawed definition of “Intentionally Added.”

FPA is very aware of the increasing concerns related to Per- and Polyfluoroalkyl Substances (PFAS) as environmental contaminants, some of which also have human health implications. We are also aware of intentions at both Federal and State levels to regulate certain PFAS to reduce 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. This situation has created confusion among many stakeholders along the supply chain, which in turn has driven unfounded generalization of these concerns.

The definition of “Intentionally Added” in S. 2044/H. 7438 aims to address some legitimate concerns but fails to consider or differentiate the critical role of PFAS as a processing aid in the manufacturing process. Here, the term “intentionally added” refers to machine functionality, not functionality of the package. This is necessary to ensure the machines run effectively, particularly when incorporating recycled content into film. Additionally, alternative chemicals do not currently exist in the quantities or qualities necessary to provide a replacement.

Rhode Island is the only state with PFAS legislation that would ban it as a processing aid. Thus, we believe this legislation requires further consideration and we urge you to send this measure back to the legislature for evaluation and to fix the definition of “Intentionally Added.” It is for these reasons that we respectfully request a veto of S. 2044/H. 7438.

In advance, thank you for your consideration. If we can provide further information or answer any questions, please do not hesitate to contact me at 410-694-0800 or [SSchlaich@Flexpack.org](mailto:SSchlaich@Flexpack.org).

Respectfully,

*Sam Schlaich*

Sam H. Schlaich, J.D.

Government Affairs Counsel, FPA