

August 10, 2022

The Honorable Patty Murray
Chair
Committee on Health, Education,
Labor and Pensions
United States Senate
Washington, DC 20510

The Honorable Richard Burr
Ranking Member
Committee on Health, Education,
Labor and Pensions
United States Senate
Washington, DC 20510

Dear Chair Murray and Ranking Member Burr:

The undersigned organizations oppose provisions added to S. 4348, the “Food and Drug Administration Safety and Landmark Advancement Act” (FDASLA) via an amendment from Sen. Maggie Hassan (D-NH) on food packaging and PFAS that could have adverse, unintended consequences.

These provisions would prohibit introducing food packaging that contains PFAS into interstate commerce. The Food, Drug, and Cosmetic Act (P.L. 75-717, FDCA) does not define food packaging, only food contact substances. Introducing a new, undefined term into the FDCA would make it impossible for the Food and Drug Administration (FDA) to implement the legislation in a legally sustainable manner. The amendment would also have adverse, unintended consequences, including on the availability of life saving medical packaging options and packaging for dietary supplements. It would also establish timelines and processes contrary to existing commitments made by companies to eliminate the use of packaging containing PFAS. These provisions may unintentionally undermine food safety by eliminating key packaging components from the market that have been thoroughly reviewed by FDA scientists and determined to be safe for their intended use and that are critical for maintaining the integrity of packaged foods.

Finally, the Environmental Protection Agency and other key agencies, including FDA and USDA, are continuing to implement [the PFAS Strategic Roadmap](#) and broader interagency action plan, so we encourage the committee to allow the existing regulatory process based on sound science and risk to proceed.

There is bipartisan support for this FDA user fee legislation, which passed the House overwhelmingly without the problematic food packaging amendment. We believe the provisions should be modified to meet our shared priority of reducing exposure to certain PFAS and look forward to working constructively with you to do so. Addressing PFAS issues in food packaging may be better addressed in other legislation.

We stand ready to assist you as this proposal moves through the legislative process and urge you to appropriately amend or remove these provisions.

Sincerely,

American Chemistry Council
American Coatings Association
American Forest & Paper Association
Flexible Packaging Association
National Association of Manufacturers
National Association of Printing Ink Manufacturers
National Oilseed Processors Association
Plastics Industry Association
PRINTING United Alliance
U.S. Chamber of Commerce

cc: Members of the Senate Committee on Health, Education, Labor and Pensions