



**American  
Forest & Paper  
Association**

January 28, 2020

The Honorable Anna Eshoo  
Chair  
Subcommittee on Health  
U.S. House of Representatives  
Washington, D.C. 20510

The Honorable Michael Burgess  
Ranking Member  
Subcommittee on Health  
U.S. House of Representatives  
Washington, D.C. 20510

Dear Chairwoman Eshoo and Ranking Member Burgess:

The American Forest & Paper Association<sup>i</sup> (AF&PA) appreciates the opportunity to share our perspective on legislation on perfluoroalkyl and polyfluoroalkyl substances (PFAS) under consideration by the Subcommittee on Health. We oppose H.R. 2827, the Keep Food Containers Safe from PFAS Act of 2019. The bill would “amend the Federal Food, Drug, and Cosmetic Act to deem any perfluoroalkyl or polyfluoroalkyl substance used as a food contact substance to be unsafe, and therefore, treated as adulterated under such Act,” which would effectively ban all PFAS chemistry used in food packaging.

We believe U.S. Food and Drug Administration (FDA)-regulated food packaging should be excluded from PFAS-related legislation. The FDA’s careful study and approval of the use of several short-chain PFAS chemistries allows for continued production of safe and reliable food packaging. The specific short-chain PFAS chemistries currently used in food packaging have been carefully reviewed and approved by the FDA under a comprehensive federal regulatory program that ensures the safety of food packaging for public health and the environment. We understand that FDA is conducting a review of their science. AF&PA supports FDA’s role in ensuring safe food packaging and believes Congress should not circumvent FDA’s authority to regulate these substances.

AF&PA members are committed to ensuring the safety of their products, including the safety of chemicals used in their manufacturing processes. AF&PA believes that chemical and product-related legislation and regulations should be protective of health, cost-effective and based on the best available science. AF&PA also supports studies and research to achieve science-based assessments that ultimately may be used as the basis for establishing regulations. Policy and regulations should be based on credible science and reflect actual exposure to and risk from chemicals in specific products, not merely whether de minimis or trace levels of a chemical may be present.

PFAS are a large and diverse class of chemicals with widely varying uses and properties. AF&PA is opposed to any legislation, such as H.R. 2827, that does not account for the diversity within this class of chemistry. At a minimum, any legislation focused on PFAS chemistries should distinguish between short and long-chain PFAS.

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AF&PA member companies do not manufacture PFAS. To the extent AF&PA members intentionally utilize any PFAS chemistries in food packaging, those substances are sold to us by PFAS manufacturers for use as additives to impart heat, grease and/or moisture resistance. AF&PA member companies began using modified formulas that do not contain long-chain PFAS chemistries such as perfluorooctanoic acid (PFOA) and perfluorooctanesulfonate (PFOS) around 2011 – ahead of the 2016 FDA ban on various long-chain PFAS chemicals. Any law or regulation that restricts the use of all PFAS chemistry in food packaging without a realistic timeline for the development and implementation of safe and effective substitutes would be counterproductive and could significantly harm the paper recycling industry.

We thank the Subcommittee for their consideration on this important matter and stand ready to assist you as you shape policy on this issue. For additional information, please contact Laura Pickard, Director of Government Affairs, AF&PA at (202) 463-2755 or [laura\\_pickard@afandpa.org](mailto:laura_pickard@afandpa.org).

Sincerely,



Elizabeth Bartheld  
Vice President, Government and Industry Affairs

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<sup>i</sup> The American Forest & Paper Association serves to advance a sustainable U.S. pulp, paper, packaging, tissue 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 four percent of the total U.S. manufacturing GDP, manufactures nearly \$300 billion in products annually and employs approximately 950,000 men and women. The industry meets a payroll of approximately \$55 billion annually and is among the top 10 manufacturing sector employers in 45 states.