



January 28, 2019

TO: Members of the Health Subcommittee of the Energy and Commerce Committee

FluoroCouncil appreciates this opportunity to provide input on the House's consideration of H.R. 2827. FluoroCouncil is a global organization representing the world's leading manufacturers of products based on per- and polyfluoroalkyl substances (PFAS), including fluoropolymers and fluoroelastomers.<sup>1</sup> FluoroCouncil has a fundamental commitment to product stewardship and rigorous, science-based regulation, and, as part of its mission, addresses science and public policy issues related to PFAS.

As currently drafted, H.R. 2827 would prohibit all PFAS in food contact materials (FCM). This is an extremely broad bill, which circumvents an established, robust regulatory process without supporting scientific justification. Consequently, FluoroCouncil opposes H.R. 2827 in its current form.

Regulation or legislation should not group all PFAS together or take a one-size fits all regulatory approach. PFAS are a diverse family of chemistry that includes a broad range of substances with different physical, chemical, and toxicological properties and uses. Hence, the hazard and risk profile of various PFAS are very different. It is neither scientifically-accurate nor appropriate to group all PFAS together or take a one-size-fits-all regulatory approach for this wide range of substances. This will deter innovation, undermine effective product design, and may even lead to the elimination of an entire chemistry that is an enabling technology for a broad array of vital products.

For instance, fluoropolymers, one type of PFAS, can be found in everyday items such as implantable medical devices, cell phones, and automobiles (including electric vehicles). Fluoropolymers are also used in certain repeat-use FCMs, such as tubing and hoses in soda and ice cream dispensers, and components of food processing equipment such as gaskets, sealants, and filters. Notably, fluoropolymers do not pose a significant risk to human health or the environment due to their stability and lack of bioavailability, among other properties. However, in its current form, H.R. 2827 would indiscriminately ban fluoropolymer use in FCMs.

It is also important to understand that those PFAS with commercial uses are not used interchangeably. Different PFAS impart different properties, and those in the marketplace have

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<sup>1</sup> FluoroCouncil's member companies are AGC Inc., Daikin Industries, Ltd., Solvay Specialty Polymers, and The Chemours Company LLC. FluoroCouncil is affiliated with the American Chemistry Council.

been designed for specific uses, making it important for public policy to be based on the potential risks associated with exposure to individual substances in particular uses. For example, fluoropolymers are not used in paper food packaging applications.

As a result of the significant diversity within the family of PFAS, it is inappropriate to address PFAS as a broad class in H.R. 2827. FluoroCouncil thanks the Subcommittee for taking these points into consideration and welcomes the opportunity to work with members as they consider legislation addressing PFAS.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Simon', with a stylized flourish at the end.

Robert Simon  
On behalf of FluoroCouncil