

Attachments—Additional Questions for the Record

Subcommittee on Health Hearing on “Improving Safety and Transparency in America’s Food and Drugs” January 29, 2020

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The Honorable Ann Kuster (D-NH)

Unfortunately, communities in New Hampshire are all too familiar with the risks posed by exposure to PFAS chemicals. Parents already live in fear wondering whether or not their children are drinking water contaminated with these harmful forever chemicals. So, you can imagine how alarming it is to learn that these same chemicals are in food packaging like popcorn bags.

1. Ms. Benesh, what are food companies doing to respond to the risks of PFAS in food packaging?

Answer: Responsible retailers abandoning PFAS. Burger King reportedly stopped using PFAS-coated paper in 2002,¹ and McDonald’s pledged to move to PFAS-free coatings in 2006.² Panera has started the process for switching to PFAS-free baguette bags and will continue to transition to PFAS alternatives in 2020.³ Taco Bell will also phase out PFAS by 2025.⁴ In December 2018, both Whole Foods and Trader Joe’s stated that they were working toward PFAS-free packaging.⁵ Ahold Delhaize (parent company of Food Lion, Giant Food, GIANT/MARTIN’S, Hannaford, Peapod and Stop & Shop, and its U.S. services company, Retail Business Services) announced in September that it would put a restriction on PFAS and other chemicals.⁶ As of Jan. 1, 2020, the

¹ Callie Lyons, *Stain-Resistant, Nonstick, Waterproof, and Lethal: The Hidden Dangers of C8* at 113 (Praeger 2007), <https://epdf.pub/stain-resistant-nonstick-waterproof-and-lethal-the-hidden-dangers-of-c8.html>.

² Sara Schaefer Muñoz, *EPA Probes Safety of Key Chemical in Teflon*, Wall Street Journal (Jan. 31, 2006).

³ Mind the Store, Retailer Report 2019, Panera Bread <https://retailerreportcard.com/retailer/panera-bread/> (last visited Jan. 25, 2020).

⁴ Press Release, Taco Bell® Rings in 2020 With Bold New Commitments (Jan. 9, 2020), <https://www.tacobell.com/news/taco-bell-2020-commitments?selectedTag=&selectYear=2020>.

⁵ Mike Schade & Laurie Valeriano, *Whole Foods, Trader Joe’s Pledge Initial Action on Toxic PFAS*, Safer Chemicals Healthy Families (Dec. 12, 2018), <https://saferchemicals.org/2018/12/12/whole-foods-trader-joes-pledge-initial-action-on-toxic-pfas/>.

⁶ Press Release, Ahold Delhaize USA Brands Announce Commitment to Sustainable Chemistry, Transparent Products and Packaging (Sept. 19, 2019), <http://www.globenewswire.com/news-release/2019/09/19/1918074/0/en/Ahold-Delhaize-USA-Brands-Announce-Commitment-to-Sustainable-Chemistry-Transparent-Products-and-Packaging.html?culture=en-us>.

Biodegradable Products Institute will no longer certify any product as compostable if it contains intentionally added PFAS.⁷

2. Are states doing anything to address the problem of PFAS in food packaging?

Answer:

States are not waiting for Congress to take action. Washington state was the first to ban PFAS in 2018, which will take effect in 2022.⁸ Maine also passed a law authorizing the state Department of Environmental Protection to ban PFAS in food packaging as early as 2022.⁹ San Francisco has banned bowls that have been intentionally manufactured using PFAS.¹⁰ California is considering reviewing and regulating PFAS in food packaging under its green chemistry law.¹¹

Arizona, Connecticut, Illinois, Iowa, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and Wisconsin are all considering bans on PFAS in food packaging.¹² New York and Connecticut both have procurement policies limiting or restricting PFAS in food packaging.

3. Lastly, could you confirm whether or not we really need PFAS chemicals in food packaging?

Answer: Food packaging is a non-essential use of PFAS.¹³ Several materials can be used as PFAS alternatives, polyethylene, bamboo, palm leaf, bio-wax, and polylactic acid (PLA) –which is a compostable bio-based material derived from renewable substances like potato, wheat and corn starch.¹⁴ In many cases, packaging materials can also simply be used without a coating material.

Grease-resistant food contact paper and paperboard free of PFAS has been available for more than a decade. When EWG and other groups tested paper food wrappers for PFAS in 2014-2015,

⁷ Biodegradable Products Institute, Fluorinated Chemicals, <https://bpiworld.org/Fluorinated-Chemicals> (last visited April 7, 2020).

⁸ H.B. 2658 (Wash. 2018).

⁹ H.P. 1043, 129th Leg. (Maine 2019).

¹⁰ City of San Francisco, Ordinance 201-18 (File No. 180519)(Aug. 10, 2018).

¹¹ Department of Toxic Substances Control, Safer Products & Workplaces Program, *Work Plan Implementation: Food Packaging with Perfluoroalkyl and Polyfluoroalkyl Substances (PFASs)* (Oct. 24, 2019), https://dtsc.ca.gov/wp-content/uploads/sites/31/2019/10/Food-Packaging_Perfluoroalkyl-and-Polyfluoroalkyl-Substances-PFASs.pdf.

¹² See Safer States, Bill Tracker, <https://www.saferstates.org/bill-tracker/FilterBills> (last visited April 7, 2020).

¹³ Ian T. Cousins et al., *The Concept of Essential Use for Determining When Uses of PFAS Can Be Phased Out*, 21 *Env'tl Science: Processes and Impacts* 1803 (2019), <https://pubs.rsc.org/en/content/articlelanding/2019/em/c9em00163h#!divAbstract>.

¹⁴ See, e.g., Center for Environmental Health, *Avoiding Hidden Hazards: A Purchaser's Guide to Safer Foodware* (January 2018), <https://www.ceh.org/wp-content/uploads/2019/05/CEH-Disposable-Foodware-Report-final-1.31.pdf>

tests detected no fluorine in more than half of the paper.¹⁵ This indicates that the PFAS-free paper is readily available and competitively priced.

The Biodegradable Products Institute, as of January 2020, no longer certifies food service products as compostable if they contain any intentionally added PFAS.¹⁶ Even so, there are dozens of companies offering clamshells, plates, coffee cups, pizza boxes, takeout containers, and other food packaging materials in BPI's catalog.¹⁷

¹⁵ Laurel A. Schaider et al., *Fluorinated Compounds in U.S. Fast Food Packaging*, 4 *Env'tl Sci. and Technology Letters* 105 (2017), <https://pubs.acs.org/doi/pdf/10.1021/acs.estlett.6b00435>.

¹⁶ Biodegradable Products Institute, *Fluorinated Chemicals*, <https://bpiworld.org/Fluorinated-Chemicals> (last visited April 7, 2020).

¹⁷ Biodegradable Products Institute, *Catalog*, <http://products.bpiworld.org/> (last visited April 7, 2020).