

June 24, 2020

Dear Chair Pugh and Members of the House Committee on Human Services:

We are writing to express our concerns and opposition to S.295 as passed by the Senate. The bill would arbitrarily ban a wide range of products and packaging, as well as impose additional regulatory burdens, without rational, responsible criteria and clear definitions based on sound science and practical requirements.

- Firefighting foams containing PFAS remain the most effective agents available to fight high-hazard, flammable liquid and other difficult fires, including fuel and chemical fires. While progress has been made in developing alternatives and reducing unnecessary use in training, S.295 would, apart from a federal requirement for aircraft rescue, broadly ban such foams outright without requiring a determination that alternatives are available, affordable, and effective enough to avoid potentially dangerous and unintended consequences for given conditions and circumstances.
- PFAS, bisphenols, and phthalates are used in a wide range of well-regulated packaging. Banning such packaging could impact many everyday products, yet there has not been a clear identification of and open discussion about the practical results if impacted products became unavailable.
- While nominally intended to address food safety, the definition of packaging that would be banned under S.295 is so broad as to include many items that never contact food, and could also impact many packaging elements that are used broadly for many kinds of products, having an unknown impact on products well beyond food.
- S.295 would ban packaging without regard to safety determinations by US, European, and other regulatory authorities, and, again, would ban PFAS and phthalates without requiring a determination that alternatives are available, affordable, and effective enough to avoid unintended consequences.
- S.295 would add the entire class of PFAS to the list of Chemicals of High Concern to Children, which requires extensive testing and reporting of covered products regardless of any exposure or health risks associated with a chemical in any given product. This would add thousands of individual chemicals to test and report on, even though PFAS chemicals do not all share the same potential health risks and, moreover, this would be done without the scientific review and determinations by the Department of Health currently required in the CHCC law, a review and determination process that was just updated and reaffirmed in legislation last year.

However well-intentioned supporters of S.295 might be, ultimately the bill suffers from unclear and problematic definitions and scope for the chemicals and products it is addressing, as well as a lack of rational and reasonable criteria for the bans and other regulations it would impose on products that are already regulated.

Current circumstances have reminded all of us of the importance of the shipping and packaging of goods for both residential and business customers, and creating unnecessary uncertainty and unintended consequences for consumers, retailers, and other businesses would not be responsible.

This is also a time of extensive disruptions and uncertainty in supply and distribution chains, and imposing bans on chemicals without due consideration of the availability, cost, and effectiveness of alternatives could only compound challenges for manufacturers and other businesses with negative consequences for their customers.

We therefore respectfully ask that you do not support S.295 as passed by the Senate.

Sincerely:

Addison County Economic Development Corporation	Green Mountain Economic Development Corporation
American Chemistry Council	Lake Champlain Chamber
American Forest and Paper Association	Lamoille Economic Development Corporation
Associated Industries of Vermont	Rutland Economic Development Corporation
Association of Home Appliance Manufacturers	Springfield Regional Development Corporation
Brattleboro Development Credit Corporation	Vermont Chamber of Commerce
Flexible Packaging Association	Vermont Fuel Dealers Association
Franklin County Industrial Development Corporation	Vermont Retail & Grocers Association
Greater Burlington Industrial Corporation	

contact: William Driscoll | AIV | wdriscoll@aivt.org