



April 12, 2021

House Committee on Human Services
Vermont General Assembly
Montpelier, VT 02903

RE: Comments on Senate Bill 20— An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products

On behalf of the American Forest & Paper Association (AF&PA), we appreciate the opportunity to share our concerns with legislation under consideration by your Committee, “An act relating to restrictions on perfluoroalkyl and polyfluoroalkyl substances and other chemicals of concern in consumer products.”

AF&PA 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.

In Vermont, the industry employs more than 4,500 individuals, with an annual payroll of nearly \$151 million. The estimated state and local taxes paid by the forest products industry totals \$14 million annually.

This bill seeks to ban food packaging that contains any amount or type of intentionally added PFAS or bisphenols. 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. We support continued research on the safety of these chemicals in our products.

We believe that states should avoid duplicative regulatory efforts. Chemicals in products and manufacturing by-products should be regulated at the federal, not the state level. It is essential that products moving in interstate commerce be subject to uniform standards, such as those set by agencies of the federal government with the resources and expertise to conduct thorough studies.

On Bisphenols

S.20 bans food packaging that contains bisphenols in any amount greater than an incidental presence. The majority of BPA exposure is from food and the Food and Drug Administration's (FDA) current perspective, based on its most recent safety assessment, is that BPA is safe at the current levels occurring in foods. To date, no studies have directly linked exposure to BPA with cancer in humans, and animal studies support this. Various scientific groups, including the US National Toxicology Program and the European Union, therefore, concluded that BPA is not a carcinogen. Additionally, studies pursued by FDA's National Center for Toxicological Research have shown no health effects in humans of BPA from low-dose exposure.

On PFAS

The bill also bans the intentional use of any type of PFAS in food packaging. We believe FDA-regulated food packaging utilizing PFAS chemistry should be exempt from additional legislation or regulations. The FDA's careful study and approval of the use of PFAS chemicals based on the best available science allows for continued production of safe and reliable food packaging.¹ Of the thousands of PFAS chemicals that exist, there is a short list of compounds that the FDA specifically reviewed and approved for food packaging applications based on thorough testing and risk-based assessments. However, as S.20 is currently written, FDA-approved PFAS in food packaging would also be banned.

AF&PA member companies are actively developing alternatives to completely phase out the use of PFAS in food packaging in favor of non-PFAS alternatives. While significant progress has been made and some companies have announced non-PFAS substitutes, more time is needed.

We recommend that S.20 be amended to fix these oversights.

On Food Packaging

The definition of food packaging in S. 20 defines it as a package that is designed for direct food contact but also includes the food or beverage that is contained in a food package. Such a broad definition creates confusion about what constitutes packaging and should be amended for clarity.

“Food packaging” means a package that is designed for direct food contact, ~~including a food or beverage product that is contained in a food package or to which a food package is applied~~, a packaging component of a food package, and plastic disposable gloves used in commercial or institutional food service.

Conclusion

AF&PA members are committed to ensuring the safety of their products, including the safety of chemicals used in their manufacturing processes. We encourage the Committee to avoid

¹ Food packaging that complies with FDA regulation is safe for its intended use.

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measures that might penalize paper. We look forward to continuing our work with the state of Vermont.

Please contact Stewart Holm, Chief Scientist (Stewart_Holm@afandpa.org) or Abigail Sztein, Director of Government Affairs (Abigail_Sztein@afandpa.org) for additional information or with any questions.