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RE: WestRock Opposition to S.20 – An Act Relating to Restrictions on PFAS and Other Chemicals of Concern

Dear Senator Lyons and the Members of the Senate Committee on Health and Welfare,

I am writing on behalf of the WestRock Sheldon Springs paper mill to express our opposition to S.20, which bans the use of a wide range of materials in food packaging. WestRock is a global leader in sustainable fiber-based packaging solutions; the Sheldon Springs mill employs 150 individuals in family wage manufacturing jobs. As a 100% recycled paper mill, Sheldon Springs diverts over 100,000 tons of paper from landfills annually and invests over \$50,000,000 directly in Vermont every year through its payroll, taxes, and supplier spend. Our product, Coated Recycled Board (CRB) is frequently used in food packaging.

While we do not believe that it is appropriate for a state to ban an entire class of chemicals when specific members of that class have been approved for use by the United States FDA, we appreciate the inclusion of language that limits this ban to intentionally added chemicals. The Sheldon Springs mill does not intentionally apply PFAS to its products and this language is important to protect the mill and the state's recycling system in general.

Unfortunately, there are several definitional problems with the bill that would cause significant harm to the mill, and we hope you will consider amending them. They include the following:

- 1) The definition of PFAS is overly broad and would ban all materials that share any chemical properties with PFAS. This would include potential PFAS alternatives, including materials used to make products at the Sheldon Springs mill.

(7) “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS” means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom **or a chemical compound meant to replace perfluoroalkyl and polyfluoroalkyl substances that has similar chemical properties.**

There are a wide variety of materials that impart properties similar to PFAS compounds (such as grease resistance or rheology), but that are not part of the PFAS family. In fact, one of the goals of similar legislation in the past has been to encourage the packaging industry to develop and adopt these and other innovative PFAS alternatives.

However, the bolded language would ban all PFAS alternatives (along with potentially innumerable other materials) irrespective of their suitability for use in food contact packaging and lack of toxicological or environmental impacts associated with PFAS compounds. This could include, for example, the type of FDA-approved water based latex coating applied at the Sheldon Springs mill. This language should be removed.

2) The definition of “bisphenols” is also too broad.

(1) “Bisphenols” means industrial chemicals used primarily in the manufacture of polycarbonate plastic and epoxy resins.

Instead of defining bisphenols based on a chemical structure or some other identifying characteristic, this language defines it as a material used in the process of manufacturing plastics. Under this definition, almost any chemical used in the manufacture of polycarbonate plastic or epoxy resins could be banned, including chemicals that may be used in the papermaking process that are completely unrelated to bisphenols.

For example, surfactants (e.g. defoamers) are used in multiple chemical processes, and it is reasonable to expect that a surfactant used to manufacture an epoxy might also be used to make an adhesive or overprint varnish that would be used in food packaging. Surfactants bear no resemblance to bisphenols, but under this definition they could be banned. This definition should be revised to more accurately describe the chemical in question.

3) Finally, the definition of “food packaging” is also too broad.

*(3) “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.*

Packaging is distinct from the product contained therein, and including “food or beverage” in the definition of packaging would create significant confusion for our industry. If the goal of the legislation is to ban certain chemicals in foods or beverages, we would recommend that it do so in a separate definition, rather than in the definition of packaging. However, in the context of the definition of packaging, this bolded language should be removed to preserve the section’s focus on packaging.

Should this legislation move forward, we hope you will consider amending these definitions to avoid inadvertently harming the Sheldon Springs mill. Thank you for your consideration of our views.

Sincerely,

Mark Cline
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WestRock Sheldon Springs

Cc: Sen. Randy Brock
Sen. Corey Parent