

March 11, 2021

Dear Chair Lyons and Members of the Senate Committee on Health and Welfare:

We are writing to express our concerns and opposition to S.20 as introduced. 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.20 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.20 appears so broad as to include many items that never contact food, and could also impact many packaging elements that are used generally for many kinds of products, having an unknown impact on products well beyond food.
- S.20 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.20 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 recently updated and reaffirmed in legislation.

However well-intentioned supporters of S.20 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 also remains 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.20 as introduced.

Sincerely:

Associated Industries of Vermont
American Forest and Paper Association
American Chemistry Council
Chamber and Economic Development of the Rutland
Region
Central Vermont Economic Development
Corporation
Flexible Packaging Association

Franklin County Industrial Development Corporation
Greater Burlington Industrial Corporation
Lake Champlain Chamber
Lamoille Economic Development Corporation
Vermont Chamber of Commerce
Vermont Fuel Dealers Association
Vermont Retail & Grocers Association