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August 24, 2020

Mr. Darin Rice
Program Manager – Hazardous Waste and Toxics Reduction
Washington Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

RE: PFAS in Food Packaging Alternatives Assessment – Report to the Legislature

Dear Mr. Rice:

The Association of Washington Business (AWB) has been following Ecology's on-going efforts to conduct an alternatives assessment for PFAS in food packaging pursuant to RCW 70.095G. We appreciate the department's long standing efforts to solicit stakeholder input and for your consistent updates on program activities.

As Ecology nears completion of its initial report AA report to the Legislature, we are troubled that the department is not planning to release its draft report for stakeholder review and comment prior to it being finalized. By not releasing the report, stakeholders will not have the opportunity to review or comment on the data and any analysis the department will be using to justify its conclusions and/or recommendations.

Additionally, this decision appears to be a reversal from a planned public comment period that was mentioned during Ecology's June 30, 2020 PFAS AA webinar¹ and that would have run concurrently with the peer review process. (see slide 19 in footnote below).

AWB respectfully requests the department release the draft AA report for public review and comment prior to it being finalized and any regulatory decisions are made. Any public review process can run concurrently with the on-going peer review process and should in no way hinder the department's ability to complete this report by the December, 2020 deadline.

Thank you for your consideration of this request. Should you have any questions, please do not hesitate to contact me at 360-943-1600 or Peterg@awb.org.

Sincerely,

Peter Godlewski
Government Affairs Director
Association of Washington Business

¹ https://www.ezview.wa.gov/Portals/_1962/Documents/PFAS-Food/WA%20PFAS%20in%20Food%20Contact%20AA%20June%2030%202020%20Webinar%20FINAL%20e-comment.pdf



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 18, 2020

Mr. Peter Godlewski
Government Affairs Director
Association of Washington Business
P.O. Box 658
Olympia, Washington 98507-0658

Re: PFAS in Food Packaging Alternatives Assessment

Dear Peter:

Thank you for your letter of August 24, 2020 to Darin Rice. Darin has asked me to respond to your inquiries.

Ecology does not plan to release the draft PFAS in Food Packaging Alternatives Assessment (AA) or the related report to the Legislature before finalizing and submitting it. The AA is currently undergoing the mandatory external peer review process with the Washington State Academy of Sciences, and the report based on the AA is still being drafted. Because the alternatives assessment documents are still undergoing deliberative reviews and our conclusions may change, we will be unable to share drafts of the AA or the legislative report about the AA prior to publication.

We acknowledge this approach does not allow additional stakeholder review and comment before finalization. Ecology had, at one time, planned to provide an additional comment period. After further consideration, we determined we are unable to offer this additional review and comment period for the reasons outlined below.

The statute (now codified at [RCW 70A.222.070](#)) requires Ecology to submit “a report with the findings and the feedback from the peer review of the department’s alternatives assessment...” Our determinations about the availability of safer alternatives must be “supported by feedback from an external peer review of the department’s alternatives assessment...” Based on this language, we have concluded that the AA submitted to the Legislature must be the same as that which was given to the peer reviewers. We also determined that it would not be appropriate to offer a public comment period under these circumstances. In hindsight, we should not have included this notation in our June 2020 webinar; on behalf of Ecology, I apologize for this mistake.

Peter Godlewski
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If you have any questions, please call me at (360) 819-7080 or send me an email at kimberly.goetz@ecy.wa.gov. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Kimberly J. Goetz". The signature is written in a cursive style with a large initial 'K' and a distinct 'J'.

Kimberly Goetz
HWTR Legislative Coordinator