



February 18, 2018

Dr. Brian Penttila
Washington State Department of Ecology
Hazardous Waste & Toxics Reduction Program
Reducing Toxic Threats Section
PO Box 47600
Olympia, WA 98504-7600

Re: Comments on Ecology’s PFAS Food Packaging Alternatives Assessment’s Base Case Formulation

Dear Dr. Penttila:

Under recently amended RCW 70.95G, Washington State Department of Ecology (Ecology) has been given the responsibility of preparing an alternatives assessment (AA) for food packaging that contains intentionally-added PFAS chemicals. Because it is essential that the AA is conducted in a manner that is sound, transparent, and faithful to the requirements set forth by the legislature in amended RCW 70.95G, FluoroCouncil¹ offers the comments contained in this letter.

To guide Ecology and the independent contractor hired to carry out the AA, Ecology released a Statement of Work on January 7, 2019, which noted that “the AA will use a single, base case PFAS formulation as the chemicals of concern.”²

FluoroCouncil believes that the AA should utilize a C6 fluoromethacrylate formulation that is the subject of an effective U.S. Food and Drug Administration Food Contact Notification as its base case, as such formulations are representative of the majority of food packaging that contains intentionally-added PFAS in Washington State.³ Thus, other formulations are not appropriate, as they will not provide Ecology with the most accurate representation of the performance, exposure, hazard, and cost and availability necessary to conduct an appropriate AA.

¹ FluoroCouncil’s member companies are AGC Inc., Daikin Industries, Ltd., Solvay Specialty Polymers, The Chemours Company LLC, Archroma Management LLC (associate), Dynax (associate), and Tyco Fire Products LP (associate).

² This is also reflected in the updated Statement of Work, released on February 13, 2019.

https://www.ezview.wa.gov/Portals/_1962/Documents/PFAS/PFAS_Food_Pckg_AA_Statement_of_Work.pdf

³ The U.S. Food and Drug Administration maintains a current list of its effective Food Contact Notifications online. <https://www.fda.gov/Food/IngredientsPackagingLabeling/PackagingFCS/Notifications/default.htm>

Please contact me at 202-249-6708 or renee_lani@americanchemistry.com with any questions.
We look forward to our ongoing participation in this effort.

Sincerely,

Renée M. Lani
Manager, on behalf of FluoroCouncil

cc: Ken Zarker, Washington Department of Ecology
Denise Clifford, Washington Department of Ecology
Rob Duff, Office of the Governor