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Darin Rice, Program Manager
Hazardous Waste and Toxics Reduction Program
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 9850

October 8, 2019

RE: Food Packaging Scoping Survey and Alternatives Assessment

Dear Mr. Rice,

Public Health – Seattle & King County (PHSKC) is thankful that the Washington State Department of Ecology (Ecology) is overseeing an alternatives assessment (AA) conducted to fulfill the requirements of RCW 70.95G.070. This legislation bans the use of per- and poly- fluoroalkyl substances (PFAS) in all plant fiber-based food packaging materials in WA State. **The approach chosen by Ecology to conduct this work is important in defining the comprehensiveness of the PFAS-free alternatives examined and the extent to which human exposures to PFAS in food contact materials are reduced.**

PHSKC appreciated the opportunity to participate in the PFAS AA scoping survey and stakeholder discussion held on September 11, 2019. However, the webinar discussion and the proposed approach of narrowing the scope to wraps and liners, revealed gaps concerning process that PHSKC considers to be vitally important for Washington residents and businesses that utilize food packaging materials. Furthermore, the legislation requires that PFAS in food packaging be banned based on an alternatives assessment, and limiting the scope to wraps and liners does not get at the full intent of RCW 70.95G.070.

PHSKC views the elimination of PFAS in food packaging in our state as an extremely important way to address a significant route of exposure to PFAS for both humans and the environment. This legislation provides an opportunity for Ecology to protect a large percent of people in WA State as well as the environment, while serving as a leader in developing this work that can then be adopted by other jurisdictions. A large number of PFAS-free materials currently exist that are readily available and span multiple market sectors. We encourage Ecology to consider all alternative materials, across food contact material categories, in an effort to address and provide PFAS-free options across the many types of food packaging products and uses. The large number of alternatives already available in the market place must be explored and considered for use. Denmark and San Francisco recently passed similar bans on PFAS in food packaging, and Washington State should be working together with these governments to assess alternatives in a comprehensive manner.

PHSKC requests that the following gaps be addressed:

1. **The focus on food wraps and liners excludes other sources of PFAS exposure.** PHSKC is concerned that Ecology is narrowing the scope of the AA at the risk of public health. On the

webinar, the contractor stated that wraps and liners will be the only materials to be addressed through the AA because this is the largest economic sector for food packaging in WA State. However, wraps and liners, though the largest economic sector, may not be the most significant source of exposure to PFAS through food packaging for consumers in the state of Washington. Scoping should not be limited based on economic factors that do not include health-relevant exposures. Instead the scope must be kept wider to account for uncertainties and maximize the possible protections provided. Other materials that are on the market demonstrate that alternatives exist and are currently in use (see below), and Ecology must clearly and transparently lay out how the scoping determination was made based on both health and economic impacts to users and consumers.

2. **Food packaging alternatives that exist and are available for use will be excluded without adequate justification.** Many PFAS-free food contact materials have been identified and are in use. The most efficient and protective approach that Ecology can take to protect consumers must be to evaluate alternatives that cover the greatest number of use categories. Because there is such a large amount of information in this area, Ecology must not ignore the opportunity to cover the largest number of possible uses. Examples of alternatives that should be explored include: materials that use mechanical methods for resistance to water/grease, PLA or polyethylene-coated papers, wax, paraffin and bio-wax, clay-coated papers, reusable products, and alternative coatings and adhesives that are now on the market or soon-to-be on the market. These examples should be examined by broad function, not by specific material classes or specifications.
3. **A wider diversity of stakeholders must inform the approach to the alternatives assessment.** When asked on the webinar if Ecology actively reached out to and surveyed users, the response was unclear. Manufacturers seemed to be the largest group surveyed. It would be useful if Ecology could clarify who was engaged for the survey. If users were not engaged to the same extent as manufacturers, PHSKC would like to see an effort by Ecology to include their views and needs into the scope of the AA. The definition of an alternative must not be limited, but must be broadly applied to cover the largest number of alternatives that users can choose from. The user perspective is important in understanding the kinds of alternatives that are needed. Users should include businesses (both large and small) that utilize food packaging to serve their customers (e.g., grocery stores and restaurants), government agencies and organizations that purchase or have purchasing practices for food contact materials for employees and clients (including those who work on end-of-life disposal), as well as consumers from the general public who purchase items in local stores (including parents and organization that serve sensitive populations like children, pregnant women and older residents).

Populations most disproportionately affected by exposures to PFAS in food packaging and those most likely impacted by availability (or lack of availability) to adequate PFAS-free options should also be included in the survey (e.g., restaurant owners, daycare owners, and other small business owners). Survey outreach must be conducted in a culturally competent way that accommodates residents with limited English proficiency, many of whom are users of these materials. PHSKC also recommends that Ecology include a racial and socioeconomic analysis

that incorporates equity and social justice principles into the scoping for the alternatives assessment. The IC2 Guide includes a social impact model that should be applied to incorporate this work.

Again we thank Ecology for performing this important work to reduce exposures to PFAS through food contact materials. This work is ground-breaking and will set the actions for other jurisdictions. We applaud the Department of Ecology for taking on this difficult task, which includes the input of many stakeholders. Please do not hesitate to contact Dr. Shirlee Tan, our Public Health Toxicologist, for further clarification on our comments.

Sincerely,

A handwritten signature in black ink that reads "Darrell A. Rodgers". The signature is written in a cursive style with a prominent loop at the end of the last name.

Darrell A. Rodgers, PhD, MPH, EMBA
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cc: Patty Hayes, RN, MN, Director, Public Health – Seattle & King County