



September 12, 2020

Department of Toxic Substance Control (DTSC)
Attn: Safer Consumer Products (SCP) Program
1001 I Street
Sacramento, CA 95814

Submitted via online portal

Re: Support of the Proposal to Regulate Plant Fiber-Based Food Packaging Containing Perfluoroalkyl or Polyfluoroalkyl Substances, as Priority Products under Safer Consumer Products regulations.

Dear Safer Consumer Products Program:

The undersigned organizations support the Safer Consumer Products Program’s proposal to list plant fiber-based food packaging that contain PFAS chemicals as a Priority Product. However, it is our view that **the scope of the listing should cover all types of fiber-based food packaging specified in the Product-Chemical Profile.**

Dividing the category of food packaging and regulating each subcategory individually and sequentially will not effectively curb PFAS exposure and contamination within a reasonable period of time. Exposure to PFAS is linked with a variety of cancers, endocrine toxicity—and of special concern due to the COVID-19 pandemic—immune system dysfunction. The systems in the human body that PFAS disrupt are highly sensitive and can be damaged by even minute levels of these harmful substances. Due to the persistent and toxic properties of PFAS

chemicals, scientists are urging the phase out of all non-essential uses of PFAS as quickly as possible¹. Effectively protecting public health requires regulating all product subcategories simultaneously.

The Safer Consumer Products Program has a unique opportunity to shift the California and national food packaging market away from PFAS to healthier alternatives, comprehensively across plant-fiber food packaging. In response to the Biodegradable Products Institute's (BPI) recent restriction on fluorinated chemicals in their compostability standard, multiple companies have already reformulated their products to use alternative methods for grease and water resistance; and these products are sold nationwide. New York State legislation pending before the governor would also ban intentionally added PFAS in all paper, paperboard, and other plant-fiber derived food packaging.² Regulating these products in California will lead to further industry innovation and will reduce PFAS exposure and contamination across the US. We therefore strongly urge the Safer Consumer Products Program to cover all plant-fiber food packaging as a single Priority Product.

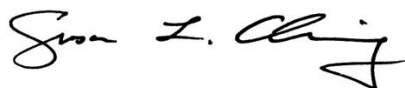
If the Safer Consumer Products Program feels compelled to divide the Priority Product listing into subcategories due to limited program capacity, we suggest that it prioritize products that meet the following criteria: widest/largest volume on the market (as a proxy for exposure), availability of alternatives other than single use disposable plastic, and potential to contaminate compost (i.e. compostable products). For example, we suggest that molded fiber take-out containers be prioritized because they are widely used and frequently contain PFAS, have non-plastic alternatives (BPI-certified products), and are compostable. The Center for Environmental Health has tested 64 molded fiber take-out products for total fluorine content and found that 89% of them contain these chemicals.

Widespread exposure to toxic PFAS chemicals is a crisis. We applaud the Safer Consumer Products Program for taking the initiative to address fiber-based food packaging so that it becomes safe for consumers, and for proposing the entire class of PFAS. However, it would be a disservice to Californians, as well as the rest of the country to delay progress by prioritizing only certain subcategories of PFAS-containing plant-fiber food packaging, given that jurisdictions such as San Francisco, Berkeley, and New York State are approaching all plant-fiber based food packaging comprehensively. **We strongly urge the Safer Consumer Products Program to list all plant-fiber food packaging as a single Priority Product and regulate them accordingly.**

We appreciate the opportunity to comment on this issue.

Sincerely,

Sue Chiang, Pollution Prevention Director
Center for Environmental Health



¹Scientific Basis for Managing PFAS as a Chemical Class, Kwiatkowski et al., *Environ. Sci. Technol. Lett.* 2020, 7, 8, 532–543 <https://pubs.acs.org/doi/10.1021/acs.estlett.0c00255>

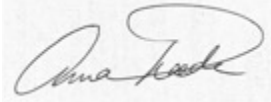
² S.8817/A.4739-C, https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S08817&term=2019&Summary=Y&Text=Y.

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