

Environment Committee JOINT FAVORABLE REPORT

Bill No.: SB-926

AN ACT CONCERNING THE PRESENCE OF PFAS IN CERTAIN CONSUMER

Title: PACKAGING.

Vote Date: 3/29/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/19/2021

File No.:

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SPONSORS OF BILL:

Rep. David Michel, 146th Dist.

Rep. Michael A. Winkler, 56th Dist.

Rep. John "Jack" F. Hennessy, 127th Dist.

REASONS FOR BILL:

Recent accidents with PFAS has been brought to the forefront due to concerns about human health and the environment. Banning PFAS in all forms of packaging protects human health and the environment toxic products.

JFS Language – LCO 6090:

PFAS packaging ban shall not apply to packaging any medical component or device.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie Dykes, Commissioner, Department of Energy and Environmental Protection

Department of Energy and Environmental Protection (DEEP) supports SB926. Connecticut is one of nineteen states bases current environment legislation on the works by the Toxics in Packaging Clearinghouse (TCPH). SB926 incorporates regulation of PFAS into existing packaging statutes and provides DEEP the ability to administer appropriate regulations. DEEP updates recent TCPH regulations and work with other states with similar regulations.

Deidre Gifford, Acting Commissioner, Department of Public Health

PFAS is a class of 9000 synthetic chemicals. Recent events have caused concerns over exposure to PFAS and the effect on human health and the environment. Removing PFAS containing materials reduces the negative impact on the waste stream, improves water resources for humans and organisms in the aquatic environment.

NATURE AND SOURCES OF SUPPORT:

Kim O'Rourke, Recycling Coordinator, Town of Middletown

Packaging is a significant source of PFAS contamination. Single-use PFAS containers cannot be recycled or composted. Removal from the waste stream will protect the human health and environment.

Consumer Reports

PFAS is added to food packaging to make the product greases and water-resistant. The chemicals can leach into the food source, according to an FDA report in 2020. Grocery store chains and restaurants, to include Panera, Taco Bell and Whole Foods Market, have switched to safer food packaging alternatives.

Lori Brown, Executive Director, Connecticut League of Conservation Voters

PFAS chemicals are known as "forever chemicals", as these do not easily break down and remain in the human body and environment for years. PFAS is strongly linked to human health issues like liver damage, thyroid disruption and reproductive disorders. PFAS materials are not destroyed through incineration or composting and leak into the environment where they can accumulate and be a threat to human health and the environment.

Luis Rosado Burch, CT Program Director, Citizens Campaign for the Environment

Single-use consumer packaging has grown significantly during Covid pandemic. The threat to health and environment is significant three other states (Maine, New York and Washington) have passed legislation to ban PFAS food packaging. PFAS is not just a food packaging issue, but package materials in general. The PFAS materials ends up contributing to an increase in the waste stream, does not break down fully and contaminates the environment.

Louise Washer, President, Norwalk River Watershed Association

PFAS chemicals have contaminated drinking water and the environment. In the Norwalk River Watershed's, the Norwalk's First Taxing District water well had to close due to PFAS levels in 2020. PFAS chemicals flow through the environment threatening drinking water, Connecticut's waterways and into Long Island Sound, a threat to marine life.

The Environment Committee received more than 25 additional testimonials in support of SB926.

NATURE AND SOURCES OF OPPOSITION:

Manthan D Bhatt, Director, State Government & Regional Affairs, Advanced Medical Technology Association

Medical devices are made with fluoropolymers, a compound of PFAS, and has existed for more than 50 years. Tens of millions of devices have been produced without demonstrating adverse effects on health. The Food and Drug Administration is not only responsible for drugs and medical devices, but also for the packaging, it's sterility and safety. Blanket regulations to ban PFAS places medical device manufacturers at risk to produce life-saving products.

American Chemistry Council et al

The American Packaging Industry is estimated at \$200 billion dollars and employs approximately 750,000 people. It's estimated that 40% of food in America goes to waste every year. Food waste accounts for 2.6% of greenhouse emissions, the equivalent of 37 million passenger vehicles. For every ton of food waste prevented, the estimated gain of 6 to 7 times in greenhouse gas benefits vs alternatives like composting.

PFAS is a wide range of chemicals with multiple benefits. These chemicals are already regulated by federal authorities, Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA). These federal regulatory agencies have expertise the state does not have.

One of the most concerning aspects of this bill is that it threatens to upend benefits provided by quality packaging by banning entire classes of chemistry that contribute to the unique properties of packaging materials that make them so effective.

Jeffrey Longworth, Coordinator, The PFAS Regulatory Coalition

The PFAS Regulatory Coalition (Coalition) is a group of municipal entities, agricultural properties, trade associations and industrial companies, that do not manufacture PFAS compounds. The Coalition supports support uniform legislation and regulation across the country and does not treat PFAS components as a singular class.

Shawn Swearingen, Director, Alliance for Telomer Chemistry Stewardship

PFAS is a diverse set of chemistries used for a variety of industries. The chemical industry supports a comprehensive approach to protect human health and the environment. PFAS in the food industry is regulated by the Food and Drug Administration (FDA) and is currently authorized. The scientific body of the evidence supports PFAS in food packaging and has been extensively reviewed by the FDA.

SB 926 does not increase the safety of packing or the overall life cycle management of packaging, including end of life. The changes from this legislation could adversely impact overall packaging and broader sustainability objectives.

American Forestry & Paper Association

In Connecticut, the Forestry and Paper industry employs 4900 individuals with an annual payroll of \$342.1 million. SB926 seeks to ban packaging that contains any amounts or type of PFAS. The American Forestry & Paper Association (AF&PA) is committed to ensuring the safety of their products, including chemicals used in the manufacturing processes.

AF&PA believes PFAS products should be regulated at the federal level, due to expertise and uniformity of regulations. PFAS is unique in the environment as it can be measured at trace levels. Legislation that states a complete ban on "any detectable PFAS", puts an extreme burden on manufacturers to comply.

Jay West, Executive Director, Performance Fluoropolymer Partnership

SB926 treats all PFAS as a single regulatory group. This approach is not appropriate, not all PFAS chemicals are the same and is inconsistent with the scientific understanding of PFAS. The Performance Fluoropolymer Partnership believes that PFAS chemicals should be defined within distinct classes based upon physical-chemical properties. The lack of a defined trace amount in the legislation means all packaging can be banned.

Fluoropolymers are large, stable molecules do not pose a significant risk to human health or the environment. Fluoropolymers do not meet the toxicological or environmental behavior criteria in SB926 section 4(c). For this reason, fluoropolymers should be excluded on their physical and chemical properties.

Katie Reilly, Director, Environmental and Sustainability Policy, Consumer Technology Association

The Consumer Technology Association (CTA) supports the position that regulations should be based on a risk-based approach. Regulations need to be enforced where there is an identified risk, supported by scientific evidence. SB926 does not recognize components of risk and only focuses on the hazard only. There is no assessment of hazard and exposure to the intended use of a chemical in specific packaging applications.

The restriction date of October 1, 2023 is not sufficient to confirm the use/non-use of more than 1000 PFAS chemicals used in the production of materials and redesign of packaging. CTA members would need to identify the PFAS chemicals in use and an alternative to use. In the European Union (EU), restrictions of Hazardous Substances is effective four years from date of notice.

Reported by: Steve Smith

Date: 3/31/2021