
Environment Committee

HB 1744

Brief Description: Concerning the use of perfluorinated chemicals in food packaging.

Sponsors: Representatives McBride, Macri, Kirby, Kilduff, Fey, Ortiz-Self and Goodman.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Restricts the use of perfluorinated and polyfluorinated (PFAS) chemicals in food packaging.

Hearing Date: 2/2/17

Staff: Jacob Lipson (786-7196).

Background:

Prohibited Substances in Packaging.

Since 1991, state law has restricted the intentional use of lead, cadmium, mercury, and hexavalent chromium in packaging or packaging components. Packaging includes containers used to market, protect, or handle a product, including shipping containers and unsealed receptacles like cups, crates, wrappers, bags, and tubs.

Exempted from these restrictions are packaging or packaging components to which the restricted substances are added in order to comply with federal health or safety requirements, or for which there is no feasible alternative. The restrictions include certain exemptions for packages manufactured prior to 1991, and packages in the possession of a retailer prior to 1993.

Manufacturers must develop certificates of compliance for packaging or packaging components certifying that the packaging does not include restricted substances in prohibited amounts, and noting the basis for any claimed exemption from those restrictions. Certificates of compliance must be kept on file by a manufacturer while packaging or packaging components are in use, and for three years after the last date of sale or distribution. When a manufacturer reformulates or

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

develops a new package or packaging component, the manufacturer must update the certificate of compliance.

The Department of Ecology (ECY) may prohibit the sale of packages by a manufacturer if the manufacturer does not provide a certificate of compliance within 60 days of an ECY request.

Perfluorinated and Polyfluorinated Chemicals.

According to the ECY, perfluorinated and polyfluorinated chemicals (PFAS) are characterized by their resistance to oil, stains, grease, and water, as well as their durability, heat resistance, and anti-corrosive properties. The ECY has also identified PFAS as persistent, bioaccumulative, and toxic (PBT) substances. In 2016 under the ECY's PBT substances rule, the ECY began developing a chemical action plan for PFAS to evaluate the chemical's uses, releases, impacts, and management.

Summary of Bill:

Beginning July 1, 2018, manufacturers, wholesalers, are restricted from selling, offering for sale, or distributing food packaging to which perfluoroalkyl and polyfluoroalkyl chemicals (PFAS) have been intentionally added. Food packaging is defined as a package or package component for marketing, protecting, or handling a product used for food contact, or used to store food and foodstuffs. Manufacturers must develop a compliance certificate by July 1, 2018, and must provide that certificate to the Department of Ecology within sixty days of a request. Exempted from these restrictions are packaging to which PFAS chemicals have been added for health or safety purposes required by federal law, or for which there is not a feasible alternative.

Exceptions from restrictions on the use of lead, cadmium, mercury, and hexavalent chromium for packages manufactured prior to 1991 or in the inventory of a retailer prior to 1993 are eliminated.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.