

SENATE BILL REPORT

SB 6396

As of January 31, 2018

Title: An act relating to the use of perfluorinated chemicals in food packaging.

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

Sponsors: Senators Wellman, Carlyle, McCoy, Van De Wege, Billig, Chase, Keiser and Kuderer.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/29/18.

Brief Summary of Bill

- Requires the Department of Ecology (Ecology) to conduct an alternative assessment of safer alternatives to perfluoroalkyl and polyfluoroalkyl chemicals (PFASs) in food packaging.
- Prohibits the use of PFASs in food packaging if the alternative assessment identifies a safer alternative.
- Provides guidelines for when manufacturers need to develop a food packaging certificate of compliance.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Angela Kleis (786-7469)

Background: PFASs Overview. PFASs are a class of man-made chemicals that are not found naturally in the environment. PFASs have been widely used to make products stain-resistant, waterproof, and nonstick. Some examples of products that use PFASs are:

- paper wrappers for fast food and microwave popcorn;
- nonstick cookware and food packaging; and
- waterproof and stain-resistant apparel and mattresses.

According to the U.S. Environmental Protection Agency, PFASs are very persistent in the environment and in the human body. Ecology states that the toxicity of PFASs compounds varies. Studies in animals show that exposure to some PFASs can affect liver function,

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.

reproductive hormones, development of offspring, and mortality. However, PFASs toxicity in humans is less understood and exposure may be linked to high cholesterol, ulcerative colitis, thyroid disease, testicular cancer, kidney cancer, and pregnancy-induced hypertension.

Interstate Chemicals Clearinghouse (IC2). The IC2 is an association of state, local, and tribal governments that promotes a clean environment, healthy communities, and a vital economy through the development and use of safer chemicals and products. The functions of the IC2 includes supporting the development of alternative assessment methods and identification of safer alternatives.

Current Law. The maximum allowable concentration levels for selected metals in product packaging is specified. Packaging manufacturers are required to develop and retain a certificate of compliance stating that product packaging is in compliance with these requirements. Ecology may prohibit the sale of any package if a manufacturer does not comply with the certificate of compliance requirement.

Summary of Bill: Ecology must conduct an alternatives assessment to determine the existence of safer alternatives to PFASs in food packaging. The alternative assessment must:

- evaluate less toxic chemicals and non-chemical alternatives;
- follow the guidelines for alternative assessments issued by IC2; and
- include an evaluation of chemical hazards, exposure, performance, cost, and availability.

Ecology must publish its findings and submit a report to the Legislature by January 1, 2020.

If the findings demonstrate the existence of a safer alternative, the use of PFASs in food packaging is prohibited beginning January 1, 2021.

If the findings do not identify a safer alternative, Ecology must annually conduct a PFASs alternative assessment and submit a report to the Legislature on safer alternatives beginning January 1, 2021. The use of PFASs in food packaging is prohibited beginning one year after a submitted report finds a safer alternative is available.

Manufacturers must develop a compliance certificate for food packaging within one year of the use of PFASs in food packaging prohibition becoming effective.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: PFASs threaten our health and the environment. Alternatives are available on the market. PFASs disrupt the endocrine system, which alters how the body functions and develops. The amount of evidence is growing that

shows short-chain PFASs share the same traits of the already banned compounds. Federal systems do not test for these types of health concerns. We are worried about communities that are more likely to consume more fast food. These are typically low-income neighborhoods with less access to fresh produce. Restricting PFASs is good for our kids. We are major supporters of compost. Studies have shown PFASs in compost, which can affect our water resources.

CON: This would restrict all PFASs unnecessarily, without actual attention paid to use. The FDA strictly regulates food packing. We think this is premature because of the chemical action plan Ecology is currently conducting. The terms in the bill are vague or undefined. We cannot control what kind of food packaging is brought into the state. There needs to be more than a safer alternative. We need multiple alternatives to be available. Food costs are sensitive and changing food packaging options may affect costs.

OTHER: Once a persistent, mobile, and water-soluble chemical gets out into the environment, there are not any do-overs. We think we should set a high-bar for these chemicals.

Persons Testifying: PRO: Senator Lisa Wellman, Prime Sponsor; Cheri Peele, Clean Production Action; Erika Schreder, Toxic-Free Future; Katherine Pelch, Endocrine Disruption Exchange; Shirlee Tan, Environmental Health Services Division, King County Department of Public Health; Heather Trim, Zero Waste Washington.

CON: Jessica Bowman, FluoroCouncil; Mary Catherine McAleer, Association of Washington Business.

OTHER: Darin Rice, Department of Ecology; Barb Morrissey, Department of Health; Carolyn Logue, Washington Food Industry Association.

Persons Signed In To Testify But Not Testifying: No one.