

WSR 21-06-070

DEPARTMENT OF ECOLOGY

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PUBLIC NOTICE

Announcing Ecology's Findings on Safer Alternatives to Per- and Polyfluoroalkyl Substances (PFAS) in Food Packaging

RCW 70A.222.070 directs the department of ecology (ecology) to determine whether safer alternatives to PFAS (per- and polyfluoroalkyl substances) currently exist for food packaging applications. Intentionally added PFAS will be banned from paper food packaging applications two years after ecology submits a report to the legislature that identifies safer alternatives for those specific types of paper food packaging.

To make the necessary determination, ecology conducted an alternatives assessment for various food packaging items containing intentionally added PFAS. Following the Interstate Chemicals Clearinghouse (IC2) Alternatives Assessment Guide as required by statute, ecology assessed the hazard, exposure, performance, and cost and availability of ten food packaging applications (such as plates, pizza boxes, and French fry containers). Ecology evaluated a variety of both chemical alternatives to PFAS as well as nonchemical options.

As directed by the statute, ecology not only evaluated the hazard of each alternative, but also assessed whether each alternative performed as well as the PFAS choice, whether the alternative was readily available, and whether it was comparable in cost to the PFAS choice. The Washington State Academy of Sciences assembled a peer-review committee, which reviewed the alternatives assessment and made various recommendations to further strengthen and enhance the assessment.

To be considered a "safer alternative," the alternatives assessment must conclude that a non-PFAS option is less hazardous, is available in sufficient quantity and at a comparable cost, and performs as well as or better than PFAS chemicals in a specific food packaging application. Non-PFAS options that fail to meet all of these criteria are not "safer alternatives" under the statute. Based on the results of the alternatives assessment, ecology found safer alternatives for the following items:

- Wraps and liners: wax coated options met the criteria for a safer alternative.
- Plates: clay-coated and reusable options met the criteria for safer alternatives.
- Food boats: clay-coated and reusable options met the criteria for safer alternatives.
- Pizza boxes: uncoated options met the criteria for a safer alternative.

The alternatives assessment determined there was insufficient information available to find safer alternatives for:

- Bags and sleeves.
- Bowls.
- Trays.
- French fry cartons.
- Clamshells.
- Interlocking folded containers.

As specified in RCW 70A.222.070(1), PFAS-containing food wraps and liners, plates, food boats, and pizza boxes may not be manufactured, sold, or distributed in Washington starting two years from the date ecology submits its report to the legislature containing the department's findings and feedback received from the peer review, or February 22, 2023.

Ecology has continued the alternatives assessment process, as required by RCW 70A.222.070(5). This assessment, which began in early 2021, will review food contact bags and sleeves, bowls, trays, French fry cartons, clamshells, and interlocking folded containers to determine if, based on new information, PFAS-free alternatives are readily available, in sufficient quantity, at a comparable price, with equivalent performance.

Copies of the PFAS in Food Packaging Alternatives Assessment and Report to the Legislature: The alternatives assessment (<https://apps.ecology.wa.gov/publications/documents/2104004.pdf>) and report to the legislature (<https://apps.ecology.wa.gov/publications/documents/2104007.pdf>) are available online. You may also request copies of these documents via email at hwtrpubs@ecy.wa.gov.

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