

WSR 22-11-053

DEPARTMENT OF ECOLOGY

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PUBLIC NOTICE

Announcing Ecology's Second Report 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 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 a second 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, and performance, as well as cost and availability of five food packaging applications (such as bags and closed 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 and whether the alternative was readily available, among other criteria. The Northeast Waste Management Officials' Association Interstate Chemicals Clearinghouse assembled a peer-review committee, which reviewed the alternatives assessment and made various recommendations to further strengthen 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 comparable in 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 all the applications under assessment:

- Bags and sleeves: Densified paper and wax-coated options met the criteria for a safer alternative.
- Bowls: Clay-coated, polylactic acid-coated, polylactic acid foam, and reusable options met the criteria for safer alternatives.
- Flat serveware: Clay-coated, polylactic acid-coated, polylactic acid foam, and reusable options met the criteria for safer alternatives.
- Open-top containers: Clay-coated, densified paper, wax-coated, polylactic acid-coated, polylactic acid foam, aluminum, and reusable options met the criteria for a safer alternative.
- Closed containers: Clay-coated, polylactic acid-coated, polylactic acid foam, and aluminum options met the criteria for safer alternatives.

As specified in RCW 70A.222.070(1), PFAS-containing bags and sleeves, bowls, flat serveware, open-top containers, and closed containers 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 May 12, 2024.

Ecology continued the alternatives assessment process, as required by RCW 70A.222.070(5). The third assessment, which began in early 2022, will review other types of packaging where there is evidence of PFAS use (such as prepackaged microwaveable popcorn bags) to determine if PFAS-free alternatives are readily available, in sufficient quantity, comparable in price, with equivalent performance.

Copies of the Second PFAS in Food Packaging Alternatives Assessment and Report to the Legislature: The second alternatives assessment (<https://apps.ecology.wa.gov/publications/documents/2204007.pdf>) and report to the legislature (<https://apps.ecology.wa.gov/publications/documents/2204006.pdf>) are available online. You may also request copies of these documents via email at hwtrpubs@ecy.wa.gov.

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