



## MEMO IN OPPOSITION

The Manufacturers Association of Central New York (MACNY) opposes A.4739-A Fahy / S.2000-A Hoylman that relates to the use of perfluoroalkyl and polyfluoroalkyl substances in food packaging products.

Our members are committed to ensuring the safety of their products, including the safety of chemicals used in their manufacturing processes. They also support studies and research to achieve science-based assessments that may be used as the basis for establishing regulations.

When considering a broad ban on PFAS in food packaging, we ask the State Legislature to consider the following:

Paper-based products and manufacturing byproducts in which PFAS has not been intentionally introduced should be exempt from regulation. Legislation that does not exempt paper-based products with recovered fiber content would discourage recycling and operating in a sustainable manner. As drafted, this measure would effectively ban the use of recovered fiber (recycled paper) in food packaging, as even trace amounts of PFAS present in recovered fiber would be prohibited. - Legislation unintentionally could discourage recycling by adding unnecessary costs and burdens, which would discourage the use of recycled feedstock without the benefit of any real environmental or public health improvements. o Costs include, for example, increased compliance costs for testing requirements.

New York should avoid duplicative regulatory efforts. - Food packaging is regulated by the U.S. Food and Drug Administration (FDA) under a comprehensive federal regulatory program that ensures the safety of food packaging for public health and the environment

June 7, 2019 Page 2 - It is essential that products moving in interstate commerce be subject to uniform standards. The FDA fulfills the need to ensure that food packaging is safe.

New York policy and regulations should be based on the best available science and reflect actual exposure to and risk from chemicals in specific products, not merely whether de minimis or trace levels of a chemical may be present. - PFAS is ubiquitous in the environment at trace levels. - Regulating unintentional trace levels of chemicals that have no adverse effect on public health or the environment would diminish the overall efficiency and effectiveness of recycling.

S.2000-A.4739-A fails to distinguish between short and long-chain PFAS chemicals. - The FDA has stated that it has “carefully reviewed the available science” on the short-chain compounds and has not identified any safety concerns. - AF&PA member companies do not use older, long-chain fluorinated chemistries such as PFOA and PFOS in the production of food contact paper and paperboard. - We support continued research on the safety of PFAS in our products.

***Memo is based on information provided from the American Forest & Paper Association.***