PFAS are a diverse group of chemicals characterized by the strong bond between fluorine and carbon, which provides resilience and durability. These properties are critical to the performance of many important products, including grease-resistant and water-resistant paper and paper-based packaging.

Approximately 10 years ago, due to environmental and public health concerns, chemical manufacturers, working with the U.S. Food & Drug Administration (FDA) and the U.S. Environmental Protection Agency (EPA), phased out uses of the older, long-chained fluorinated polymers, including those in food packaging. The process included an intensive research and development effort to create well-studied alternatives that are safe for human health.

Data from studies using the best available science on new short-chain PFAS chemistry was provided to regulators as part of the chemical review process. Based on the best available science, FDA approved certain short-chain PFAS for use as coatings for food packaging. These coatings are useful for paper and paperboard packaging for high-oil and high-grease content foods, such as fast food wrappers, pizza boxes, disposable plates and popcorn bags. In heated food applications, the use of this chemistry prevents the migration of hot oil or grease through the packaging and thus may mitigate burns, stains and other damage. Non-fluorinated alternatives for food packaging do not provide these same protective properties.

While concerns have been raised regarding potential environmental contamination issues related to long-chain fluorinated chemicals, the long-chain chemicals are not used in or relevant to the current short-chain PFAS chemistry in food packaging.

Policy Recommendations:

• Public policies should differentiate between newer short-chain PFAS and older long-chain technology and rely on FDA determinations.

  When public policies are calling for chemical alternative assessments, long and short-chain PFAS must not be treated the same. Current short-chain PFAS have been well-studied and approved as safe for their intended use by the FDA. Policy makers should rely on the FDA determinations, which are based on the best available science.

• FDA-approval of products should preempt state action.

  Before a food contact substance can be sold or distributed in the U.S., it must be carefully reviewed by FDA. Under the Federal Food, Drug and Cosmetic Act, FDA only can allow the use of a food contact substance in food packaging if FDA concludes that there is sufficient test data and scientific information to demonstrate that the substance is safe for its intended use. Many of the updated
short-chain PFAS were approved between 2005 and 2016. State regulators are not equipped to review chemicals as thoroughly as FDA. Further state regulation would provide no additional public health benefits while burdening manufacturers and confusing consumers with a patchwork of state regulations.

- **Legislation should target intentionally-added long-chain PFAS and provide a de minimis threshold.**

To minimize the compliance burden on manufacturers that no longer use the long-chain chemicals, any legislation should target intentionally introduced long-chain PFAS and create a de minimis threshold for any small remaining amounts. This will create greater certainty for producers and consumers of FDA-approved packaging.