

Congress of the United States

Washington, DC 20515

August 19, 2022

The Honorable Frank Pallone
Chairman
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Cathy McMorris Rodgers
Ranking Member
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Pallone and Ranking Member Rodgers,

As work continues on the reauthorization of FDA user fee programs, we are writing to request inclusion of the bipartisan Senate amendment to prohibit intentionally added per- and polyfluoroalkyl substances (PFAS) in food packaging in any final legislation. Given the bipartisan support of the provision and documented need, inclusion of this language would address a pressing public health challenge and is consistent with actions by various U.S. states and industry stakeholders.

A growing body of evidence continues to show the negative impact of PFAS on Americans' health. Scientific studies have linked PFAS chemicals to a variety of health hazards, including various cancers, increases in cholesterol levels, reproductive problems, as well as low birth weight and weakened childhood immunity. Critically, individuals are at higher risk for these health impacts when repeatedly exposed to PFAS, given that they bioaccumulate and do not degrade in the environment. Indeed, recent findings by the National Academy of Sciences as well as updated advisories by the Environmental Protection Agency have indicated that most Americans receive exposure to PFAS at a level of potential concern.

The threat is particularly acute when ingesting these chemicals, and recent data shows that PFAS remains in many types of packaging. A study from Consumer Reports released in March 2022 found "PFAS in many types of packaging, from paper bags for french fries and wrappers for hamburgers to molded fiber salad bowls, and single-use paper plates." This includes PFAS compounds that, "because of their known risks, are no longer manufactured in the U.S. One of them, PFOA, was the most frequently detected compound, and the other, PFOS, was the fifth most common."

Because of the health risks, states and individual companies are already taking action to remove PFAS from food packaging. California, New York, Maine, Vermont, Washington, Connecticut, Minnesota, Maryland, Hawaii, Colorado, and Rhode Island have already passed laws banning PFAS in food packaging, and multiple other states are currently considering similar legislation. Additionally, leading companies, including McDonald's, Starbucks, Whole Foods, as well as Burger King, Popeyes and Tim Horton's, have removed or are planning to remove PFAS chemicals from the food packaging of their products.

However, to fully eliminate the potential danger of PFAS chemicals from food packaging, federal action is required. The Senate-passed amendment would address the need for a comprehensive solution to this issue and is based on legislation that has bipartisan support in both the House and Senate.

Inclusion of the Senate-passed amendment prohibiting intentionally added PFAS in food packaging would address this public health risk, is bipartisan, and consistent with the best science as well as actions currently being taken by states and companies. Given this, we ask that you include this critical provision in any final FDA user fee reauthorization package.

Thank you for your consideration of this request.

Sincerely,


Debbie Dingell
Member of Congress


Brian Fitzpatrick
Member of Congress


Nanette Diaz Barragan
Member of Congress


Deborah K. Ross
Member of Congress


Betty McCollum
Member of Congress


Haley M. Stevens
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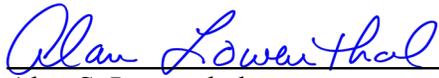

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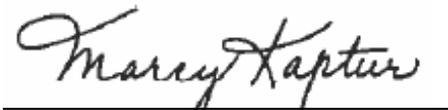
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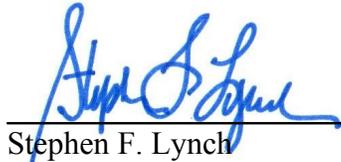
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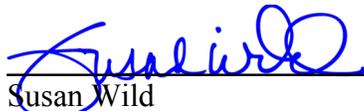
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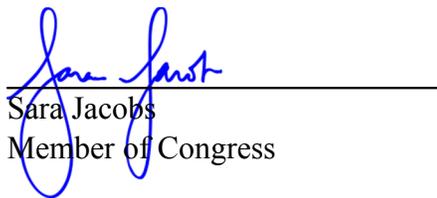
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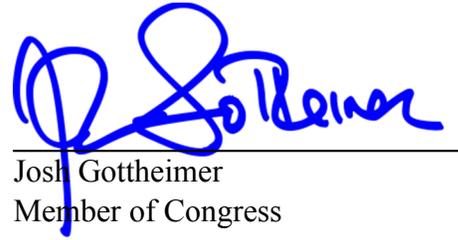
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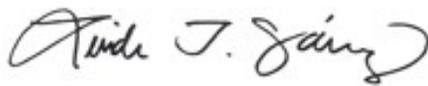
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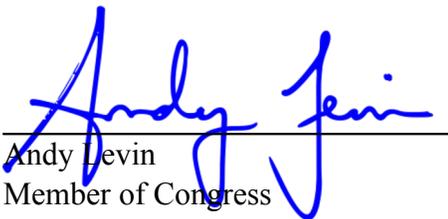
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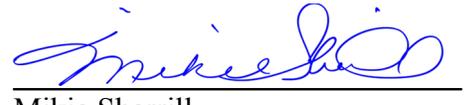
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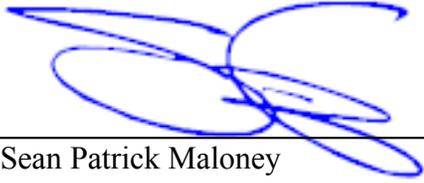
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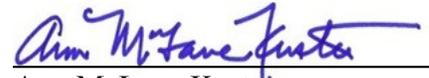
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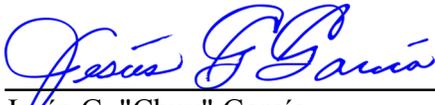
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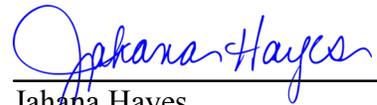
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