MEMORANDUM OF SUPPORT
Ban PFAS in Food Packaging

A. 4739 – Fahy
S. 2000 – Hoylman

An ACT to amend the environmental conservation law, in relation to the use of perfluoroalkyl and polyfluoroalkyl chemicals in food packaging

JUSTIFICATION
PFAS are widely used in food packaging to provide water and grease resistance. PFAS are found in fast food packaging, beverage containers, microwaveable popcorn bags, bakery and deli papers, grocery store take-out containers, and in other food packaging. PFAS are very persistent in the environment and in the human body, meaning they don’t break down and bioaccumulate over time. PFAS can transfer from toxic packaging to the foods and beverages we consume, leading to dangerous exposure.

PFAS persist beyond the useful life of the packaging, thus contaminating landfill leachate (liquid drained from landfills and sent to wastewater treatment facilities) and eventually making their way into our waterways. Samples taken from landfill leachate in Hoosick Falls, NY had PFAS levels of up to 21,000 parts per trillion (ppt) and surface water samples taken near the landfill had levels as high as 1,900 ppt. In comparison, the EPA health advisory level for PFAS is 70 ppt. Exposure to PFAS can lead to higher rates of kidney and testicular cancer, higher cholesterol levels, suppressed immune system, thyroid problems, and adverse developmental effects and decreased immune response in children.

Scientific studies show that food packaging is one of the most common ways people are exposed to PFAS. The Center for Environmental Health found PFAS in 100% of microwave popcorn bags and molded food service-ware tested. A study by the Silent Spring Institute found PFAS in one-third of fast food packaging. Currently there are no state or federal regulations on the use of short-chain PFAS in food packaging, and there is no way for consumers to know if our food is packaged using PFAS. The only way to ensure PFAS are not contaminating our foods and beverages is to ban their use in food packaging.

This bill would ban the entire class of PFAS chemicals from food packaging containers used in New York. Washington State signed similar legislation into law in April 2018. In order to protect the health and safety of New Yorkers, we must take an aggressive approach by prohibiting the use of all PFAS chemicals in food packages.