July 15, 2020

New York State Senate
New York State Assembly
Legislative Office Building
Albany, NY 12247

Dear Members of the NYS Senate and Assembly,

We, the undersigned public health and environmental health organizations, write to express our strong support for passage of Senate Bill 2000-B (Hoylman) / Assembly Bill 4739-B (Fahy), which would prohibit the sale or distribution of food packaging that contains toxic per- or polyfluoroalkyl substances (PFAS). This legislation is critical to addressing the serious public health crisis caused by PFAS, and is particularly urgent in light of new concerns about links between PFAS exposure and increased COVID-19 severity and mortality.[1]

PFAS are a class of chemicals known to harm human health when ingested. Exposure has been linked to numerous serious health issues, including kidney and testicular cancer, thyroid and liver disease, early puberty (which is a breast cancer risk factor), birth defects, and decreased sperm quality.[2,3] In addition, as the Centers for Disease Control and Prevention recognize, exposure to PFAS may impact the immune system, thereby increasing people's risk of contracting infectious diseases such as COVID-19.[4,5] Moreover, there is evidence from human and animal studies that PFAS exposure may reduce antibody response to vaccines, suggesting that they may reduce the effectiveness of vaccines.[6] This increased risk is compounded by the links between PFAS exposure and several of the underlying conditions that make people more likely to develop severe symptoms or die from COVID-19, including obesity, asthma, kidney disease, and high cholesterol. Compared to people with no underlying conditions, patients who have these conditions are six times as likely to be hospitalized with COVID-19 and 12 times as likely to die of the disease.[7]

The deleterious health effects of PFAS exposure pose a widespread and growing public health crisis; government data show that nearly all of us have PFAS at detectable levels in our bloodstreams. Even more alarming is that PFAS, often referred to as "forever chemicals," do not readily break down into safer substances due to the strength of their chemical bonds. Instead, they persist and accumulate in our bodies and in the environment for years.

A major source of exposure is through food packaging, which is often coated with PFAS to make it water- and grease-repellant. This is particularly concerning because PFAS are likely to leach from packaging into food, which is then directly ingested by consumers. A recent consensus statement by public health experts stated that the potential for food packaging chemicals to transfer into food is an area of certainty "based on established scientific data." The consensus statement concluded that "Known hazardous chemicals should not be used in… food contact articles if their presence in the finished article, by means of modern chemical analysis, cannot be

excluded to a reasonable extent," and recommended that regulators and manufacturers prioritize the development of safer alternatives.[8]

In fact, safer alternatives to PFAS already exist, so adding PFAS to food packaging is not necessary. A recent study detecting PFAS in the packaging of food sold by major food producers prompted some of them to switch to safer alternatives, which have proven to be as effective as PFAS at repelling water and grease.[9] Feasible and accessible alternatives already exist, but many food producers continue to use PFAS-lined packaging, putting consumers in harm's way. Thus, legislation mandating that food producers shift to safer alternatives is necessary to protect the health of New Yorkers. In fact, New York's Executive Order 4 Green Procurement Specification for single-use food ware already disfavors PFAS due to the ready availability of safer alternatives.

While evidence shows that everyone is exposed to PFAS, some studies are emerging that examine correlations between the concentration of PFAS in the human body, behavior-related exposure, and race. One such study showed that PFAS exposure from food packaging is influenced by product use and varies by race. Among African American women, eating prepared food from coated cardboard containers was associated with higher levels of four of the six PFAS chemicals evaluated (PFOA, PFNA, PFDeA, and PFOS) as compared to non-Hispanic white women.[10]

This legislation will not only decrease PFAS exposure through ingestion, but also decrease the disproportionate burdens of exposure through other major vectors. For example, prohibiting the sale or distribution of food packaging containing PFAS will result in reduced manufacture and disposal of materials containing these chemicals, processes that often result in ongoing release of PFAS into the air and drinking water of fenceline communities.[11] A reduction in manufacture and disposal of PFAS would help keep the air and water of our most vulnerable communities clean, and reduce the substantial costs of treating contaminated water across the state.

Banning the sale and distribution of food packaging containing these dangerous chemicals is a common-sense measure for stopping one of the primary sources of PFAS exposure. Moreover, as COVID-19 continues to claim lives across the state, and as we consider our susceptibility to potential future pandemics, it is critical that we do everything possible now to protect New Yorkers from toxic chemicals that undermine our immune systems. Banning PFAS in food packaging is an important step toward this goal. We urge you to help safeguard the health of your constituents by swiftly passing Senate Bill 2000-B (Hoylman) / Assembly Bill A4729-B (Fahy).

Respectfully,

Alaska Community Action on Toxics
Alliance of Nurses for Healthy Environments
NYS American Academy of Pediatrics, Chapters 1, 2 & 3

Breast Cancer Prevention Partners
Center for Environmental Health
Center for Food Safety
Citizens Campaign for the Environment
Clean and Healthy New York
Consumer Reports
Data for Justice
Earthjustice
Environmental Advocates
Environmental Health Strategy Center
Environmental Justice Health Alliance for Chemical Policy Reform
Environmental Working Group
Food & Water Watch
Great Neck Breast Cancer Coalition
Green Inside and Out
Healthy Babies Bright Futures
Healthy Schools Network
Huntington Breast Cancer Action Coalition, Inc.
Learning Disabilities Association of New York State
Los Jardines Institute
Moms for a Non-Toxic New York
Mind the Store Campaign
Natural Resources Defense Council
New York Lawyers for the Public Interest
New York League of Conservation Voters
New York Public Interest Research Group
New York Sustainable Business Council
ReGenesis Community Development Corporation
Safer Chemicals, Healthy Families
Sierra Club Atlantic Chapter
Texas Environmental Justice Advocacy Services
Toxic-Free Future
WE ACT for Environmental Justice
Women's Voices for the Earth

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[1] Lerner, S. (2020). Scientists Pin Blame for Some Coronavirus Deaths on Air Pollution, PFAS, and Other Chemicals. The Intercept. June 26, 2020. https://theintercept.com/2020/06/26/coronavirus-toxic-chemicals-pfas-bpa/

[2] Zeng, Z. et al. (2019). Assessing the human health risks of perfluorooctane sulfonate by in vivo and in vitro studies. Elsevier, 126, 598-610. doi:10.1016/j.envint.2019.03.002

[3] National Institute of Environmental Health Sciences and National Cancer Institute. *Early Puberty and Breast Cancer Risk*. Breast Cancer and the Environment Research Project. Accessed July 2020 from https://bcerp.org/health-professionals/early-puberty-and-breast-cancer-risk/

[4] Centers for Disease Control and Prevention. (2020). *Per- and Polyfluoroalkyl Substances (PFAS) and Your Health*. Agency for Toxic Substances and Disease Registry. https://www.atsdr.cdc.gov/pfas/health-effects/index.html

[5] National Toxicology Program. (2016). *Monograph on Immunotoxicity Associated with Exposure to Perfluorooctanoic Acid or Perfluorooctane Sulfonate*. National Institutes of Health. https://ntp.niehs.nih.gov/ntp/ohat/pfoa_pfos/pfoa_pfosmonograph_508.pdf

[6] Grandjean P, et al. (2012). Serum vaccine antibody concentrations in children exposed to perfluorinated compounds [published correction appears in JAMA. 21;307(11):1142]. *JAMA*. 307(4):391-397. doi:10.1001/jama.2011.2034

[7] Stokes, EK et al. (2020). Coronavirus Disease 2019 Case Surveillance — United States, January 22–May 30, 2020. MMWR Morb Mortal Wkly Rep 69:759–765. doi:10.15585/mmwr.mm6924e2

[8] Muncke, J. et al. (2020). Impacts of food contact chemicals on human health: a consensus statement. *Environmental Health*, 19:25. doi:10.1186/s12940-020-0572-5

[9] Safer Chemicals Healthy Families. (2018). *Take Out Toxics: PFAS Chemicals in Food Packaging*. https://saferchemicals.org/wp-content/uploads/2018/12/saferchemicals.org_take_out_toxics_pfas_chemicals_in_food_packaging.pdf?x15132

[10] Boronow, K.E., et al. (2019). Serum concentrations of PFASs and exposure-related behaviors in African American and non-Hispanic white women. J Expo Sci Environ Epidemiol 29, 206–217. doi: 10.1038/s41370-018-0109-y

[11] Panikkar, B. et al. (2019). Making the invisible visible: results of a community-led health survey following PFAS contamination of drinking water in Merrimack, New Hampshire. Environmental Health, 18(1), 79. doi:10.1186/s12940-019-0513-3