



Testimony of Sarah Woodbury  
Vice President of Programs and Policy at Defend Our Health  
In Support of LD 2227, "Resolve, Regarding Legislative Review of Portions of Chapter 80:  
Reduction of Toxics in Packaging, a Late-filed Major Substantive Rule of the Department of  
Environmental Protection"  
Before the Environment and Natural Resources Committee  
March 4, 2024

Good afternoon, Senator Brenner, Representative Gramlich and members of the Environment and Natural Resources Committee. My name is Sarah Woodbury. I am the Vice President of Programs and Policy for Defend Our Health. Defend's mission is to make sure that everyone has equal access to safe food, safe drinking water, health home, and toxic-free, climate-friendly products. I am here to testify In Support of LD 2227, "Resolve, Regarding Legislative Review of Portions of Chapter 80: Reduction of Toxics in Packaging, a Late-filed Major Substantive Rule of the Department of Environmental Protection".

In 2019 Governor Janet Mills signed into law LD 1433 "An Act To Protect the Environment and Public Health by Further Reducing Toxic Chemicals in Packaging". This law prohibits the use of phthalates in food packaging starting January 1, 2022, and also requires, among other things, that the department implement rules that would prohibit a "manufacturer, supplier or distributor from offering for sale or for promotional purposes in the State a food package to which PFAS have been intentionally introduced". The law further requires that the PFAS prohibitions not go into effect unless the Department determines that safer alternatives are readily available. This resolve will allow the Department to implement the major substantive rules that have been established through the rulemaking process.

During the process of implementation of the rules, the Department found nine types of food packaging for which PFAS use would be prohibited including bags and sleeves, bowls, flat serveware, food boats, open-top containers, pizza boxes, plates, and wraps and liners. Per the requirements of the law, PFAS in these products will be phased out because there are alternatives available in the marketplace. The availability is based on conclusions in two separate<sup>1</sup> reports<sup>2</sup>. from Washington State. Washington State passed a law similar to Maine's and their law also required an alternatives assessment on the availability of safer alternatives. The reports from Washington State indicate that the safer alternatives identified perform as well as or

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<sup>1</sup> Washington State Department of Ecology. (2021, May 4). *Per- and polyfluoroalkyl substances in food packaging ... - washington*. Per- and Polyfluoroalkyl Substances in Food Packaging Alternatives Assessment. <https://apps.ecology.wa.gov/publications/documents/2104004.pdf>

<sup>2</sup> Washington State Department of Ecology. (2022, May 7). *Per- and polyfluoroalkyl substances in food packaging ... - washington*. Per- and Polyfluoroalkyl Substances in Food Packaging Second Alternatives Assessment. <https://apps.ecology.wa.gov/publications/documents/2204007.pdf>



better than PFAS in the specific applications of PFAS in the food package. Washington State engaged the relevant stakeholders, did an alternatives assessment, and looked at availability and cost across the markets. We are confident that the 9 items can be phased out of the market without having any impact on the availability and cost for Maine consumers.

There is no legal use of PFAS in food packaging in two of the largest states (California and New York) which means that the market has shifted to comply with those laws. Most companies have already eliminated the use of PFAS in food packaging and food service ware. Even Maine's own Twin Rivers is selling fluorine-free fast food wrapping paper and Maine start-ups like Tanbark are commercializing PFAS-free molded fiber products. The implementation of this law will not have any detrimental impacts on Maine's economy. Defend worked hard with the original sponsor of this legislation, Representative Jessica Fay, when she was a member of the ENR committee, to make sure there was an orderly shift away from toxic PFAS in food packaging through the rulemaking process. We are pleased to see the Department move forward with this rule and urge the committee to unanimously support this resolve and pass LD 2227.