



February 4, 2021

Dear Chair Hansen and Members of the Environment and Natural Resources Committee:

We write to express our strong support for HF 78 and HF 79. These bipartisan bills take important steps toward protecting citizens and communities from exposure to toxic PFAS pollution in our state.

Across Minnesota, harmful per- and polyfluoroalkyl substances (PFAS) have affected our drinking water, lakes, fish, and wildlife. Because PFAS are bio accumulative and highly persistent, they present significant health risks to humans. PFAS are associated with kidney and testicular cancer, liver malfunction, high cholesterol, lower birth weights, decreased immune response to vaccines, and reduced hormone levels.¹

PFAS are a particular concern to women and children. Pregnant women who have been exposed to PFAS pass these toxins directly to their developing babies because PFAS are known to cross the placenta. In addition, PFAS enter breast milk and continue to expose nursing babies of mothers with PFAS exposure.²

The American Academy of Pediatrics has found that children may be particularly susceptible to the effects of compounds such as PFAS because they have higher relative exposures compared with adults (because of greater dietary intake per pound), their metabolic (i.e. detoxification) systems are still developing, and key organ systems are undergoing substantial changes and maturation that are vulnerable to disruption.³

To protect Minnesota's families and communities, it is imperative that Minnesota take action to reduce PFAS exposure by 1) reducing the sources of additional PFAS pollution in our state, and 2) expediting the clean-up of already contaminated areas.

1 Agency for Toxic Substances and Disease Registry (ATSDR). 2020. Health Effects of Per- and Polyfluoroalkyl Substances (PFAS), <https://www.atsdr.cdc.gov/pfas/health-effects/index.html>

2 Awad, R. et al. 2020. Emerging per- and polyfluoroalkyl substances (PFAS) in human milk. *Env. Science: Processes & Impacts*, Issue 10, <https://doi.org/10.1039/D0EM00077A>

3 Trasande, L. et al. 2018. Food Additives and Child Health. *Pediatrics*142:2, <https://doi.org/10.1542/peds.2018-1408>

HF 79 addresses the first of these goals by eliminating the ongoing use of PFAS in food packaging. Unfortunately, PFAS are still commonly found in food containers where the water and grease resistant properties of PFAS are used to make the packaging stronger. A 2017 study of food packaging in the U.S. found that 46% of food contact papers and 20% of paperboard samples contained PFAS compounds. A 2020 study focused specifically on fast food found that nearly half of tested wrappers and food containers contained PFAS compounds.⁴

In addition to the risk of dietary exposure, food packaging containing PFAS creates problems when it enters the waste stream. When PFAS-contaminated food packaging is sent to a landfill, these highly persistent chemicals end up in the landfill's leachate which then must be treated so it does not contaminate soils or water. Further, fiber-based food packaging treated with PFAS may end up in composting facilities. In 2017, the MPCA conducted a study of compost sites in Minnesota, finding one or more PFAS at concentrations above screening criteria at **all** sites sampled.⁵

Food wrappers and packaging are a major component of Minnesota's non-recycled waste stream. While the amount of PFAS-treated food containers is alarming, researchers note that since over half do not contain PFAS, alternatives are clearly available.

Other states have begun to require that manufacturers phase out the use of PFAS in food packaging, including Washington, Maine and New York.⁶ We strongly urge the Legislature to take this common-sense step in Minnesota.

HF 78 addresses the second goal by eliminating obstacles to cleaning up legacy PFAS contamination. Communities all across Minnesota have faced problems with drinking water contaminated by old industrial PFAS releases or the use of fire-fighting foam containing PFAS compounds. Citizens want to see these problems addressed quickly, but instead often see years—or decades—of delays.

The bill would designate PFAS as hazardous substances under the state's superfund law, allowing agencies to speed up the investigation and cleanup of contaminated sites. While PFAS already meet the broad definition of hazardous substances under the state's law, specifically listing PFAS will avoid time consuming and expensive legal challenges to clean up work.

Some communities, such as those in the East Metro, have been dealing with PFAS contaminated

4 Schaider et al. 2017. Fluorinated Compounds in U.S. Fast Food Packaging. 2017. Environ Sci Technol Lett. 4(3): 105-111, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6104644/>

SCHF, August 2020. Packaged in Pollution, <https://saferchemicals.org/packaged-in-pollution/>

5 MPCA, Composting and PFAS, <https://www.pca.state.mn.us/waste/composting-and-pfas>

6 Maine: <http://legislature.maine.gov/LawMakerWeb/summary.asp?ID=280072805>

New York: <https://legislation.nysenate.gov/pdf/bills/2019/S8817>

Washington: <https://apps.ecology.wa.gov/publications/documents/1804034.pdf>

drinking water for decades. There is broad understanding that PFAS contaminated sites must be remediated and cleaned up. HF 78 is an important step in meeting citizen expectations for action in removing contamination and preventing ongoing exposure to PFAS.

Thank you for the opportunity to comment on these important bipartisan bills.

Sincerely,

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Policy Director