

TESTIMONY: House Commerce, HF 79, PFAS in Food and Food Packaging
DATE: 3/2/21

Madame/Mister Chair and members of the Committee: The Minnesota Chapter of the National Waste and Recycling Association (NWRA) thanks you for the opportunity to provide comments on HF 79, related to PFAS in food and food packaging.

NWRA represents landfills that are “receivers” of food, food packaging and a variety of other product types that contain PFAS. We are not “producers” or generators of PFAS products, but rather manage products that we “receive” as waste at the end of their useful life.

Our Association supports an upstream approach that looks at the point of manufacture--to get PFAS out of products and packaging. In fact, we believe HF 79 and MPCA’s related funding requests for PFAS activities need to go further in looking at these “upstream products” as sources of PFAS in the environment, rather than an after the fact, end of pipe monitoring program. Here’s why—

Several other states have already developed their Statewide PFAS plans. These state plans have a strong focus on products as the sources of PFAS in the environment. Many products with high concentration of PFAS are already known and listed in some state’s PFAS Plans. We are concerned that MPCA’s focus is on end of pipe monitoring and that the true “sources” of PFAS, the products and packaging that end up in the waste stream, is not being emphasized enough.

We already know PFAS is in the environment. If Minnesota’s emphasis is on monitoring and gathering data on PFAS in the environment, does that really get us that much further? How long will it take MPCA to trace PFAS incidence in the environment back to a particular product and then to a manufacturer if it is in a “spent” product that ends up in the waste stream? In general, a more preventive approach that includes assistance to and incentives for manufacturers to get PFAS out of products needs to be taken.

Our second concern with this legislation is with the precedent setting amendment that establishes an arbitrary standard of .0115 PPT (parts per trillion).

While the legislature may have the authority to establish a health risk standard , state agency staff know the science-- they are the experts, and they would allow for a public process that would fully vet whatever standard is proposed, including its economic impacts on businesses and residents.

No other state has a more stringent standard than what is being proposed here, and the economic burden of meeting this new standard will be unfairly borne by all solid waste facilities, WWT facilities and others who are merely the receivers of spent, used up product that ends up in our waste system.

We urge House Commerce to look upstream to the source of PFAS in products and packaging, instead of relying on an after the fact, monitoring and clean up mode. We urge you to oppose the establishment of a PFAS HRL through this legislation so that a well-informed, scientific approach, that includes consideration of the economic impacts of the proposed standard are understood by all.

Thank you for your time and attention to this important matter.