

PFAS in Food Packaging

The Department of Environmental Protection will conduct one or more stakeholder meetings to develop a proposed major substantive rule to prohibit manufacturers, suppliers and distributors from offering for sale or for promotional purposes in Maine four types of food packaging to which per- and poly-fluoroalkyl substances (PFAS) have been intentionally introduced, as authorized by Maine Revised Statutes, Title 32, Section 1733 (3-B).

Maine law authorizes the Department to prohibit the sale of a food package to which PFAS have been intentionally introduced in any amount greater than an incidental presence if the Department determines that a safer alternative to the use of PFAS in a food package is readily available in sufficient quantity and at a comparable cost, and that the safer alternative performs as well or better than PFAS in the specific application of PFAS to a food package.

The Washington State Department of Ecology (Washington DOE) has a law containing the same standard as 32 MRS §1733 (3-B). In February 2021 (revised May 2021), the Washington DOE published the [Per- and Poly-fluoroalkyl Substances in Food Packaging Alternatives Assessment](#), identifying 4 types of food packaging that meet the statutory criteria for a prohibition:

<u>Food Packaging Type</u>	<u>Alternative Identified as Safer</u>
Wraps and liners	Wax-coated alternatives
Plates	Clay-coated and reusable alternatives
Food boats	Clay-coated and reusable alternatives
Pizza boxes	Uncoated alternatives

Objectives of the Department's stakeholder meetings include gathering information about the cost and availability in Maine of the safer alternatives to the four food packaging types identified by the Washington DOE alternatives assessment report, and discussion of any specifications or clarifying language needed in rule for effective implementation of a prohibition under 32 MRS §1733 (3-B).

The Department anticipates conducting meetings virtually but may also host in-person meetings in Augusta, Maine. If you would like to participate, please email Kerri.Malinowski@maine.gov with your name, affiliation, and contact information to receive meeting registration information.

Thank you