

Van Osselaer and Valencia in Food Safety Magazine: PFAS in Food Packaging, Is it Time to Consider a Change?

October 31, 2023 Andrew Van Osselaer

PRACTICES Chemical, PFAS and Emerging Contaminants

Haynes Boone Partner [Andrew Van Osselaer](#) and Associate Bianca Valencia authored an article in *Food Safety Magazine* on the tide rising against the use of PFAS (forever chemicals) in consumer products.

Read an excerpt below:

PFAS (per- and polyfluoroalkyl substances), often referred to as "forever chemicals," have earned their nickname due to their persistent nature, which results from their chemical structure being centered on highly resilient fluorine-carbon bonds. Their longevity enhances our daily lives in many ways—such as by creating more effective surface treatments, non-stick and water-repellant products, and smudge-proof and waterproof cosmetics. Food containers (e.g., fast food packaging) also benefit from PFAS, which imparts, among other things, a resistance to saturation.

The fact cannot be overlooked, however, that a number of researchers, in addition to government agencies, have associated PFAS with certain adverse health effects. Their resiliency, therefore, may be a double-edged sword—particularly in conjunction with food contact materials. Since they do not break down easily in the body, PFAS concentrations tend to increase rather than diminish over time.

In light of these concerns and the prevalence of PFAS in consumer products like food packaging, many state and local governments, as well as public interest organizations, have begun enacting or promoting legislation that would regulate the implementation of PFAS in consumer products. These bans typically prohibit the sale of certain consumer products containing "intentionally" added PFAS—in perhaps tacit acknowledgement of PFAS's present ubiquity. Such legislative bans run the gamut of products in which PFAS is typically found. For example, Colorado's ban phases out the use of intentionally added PFAS in cosmetics, indoor textiles, food packaging, juvenile products, and oil and gas products, to name a few—some by January 1, 2024 and others by January 1, 2025.

Other states have passed similarly sweeping bans, including New York, Maine, Minnesota, and California. Among all states that have enacted some form of legislation, food packaging specifically has been a frequent target, with so far 12 states (California, Colorado, Connecticut, Hawaii, Maryland, Maine, Minnesota, New York, Oregon, Rhode Island, Vermont, and Washington) enacting bans.¹ It stands to reason, therefore, that as more states enact similar bans, they too will target PFAS-containing food packaging.

To read the full article in *Food Safety Magazine*, click [here](#).