



March 21, 2024

To: House Committee on Environment and Natural Resources

Re: **H7619 – Toxic Packaging Reduction Act**
Position: **SUPPORT**

Dear Chairperson Bennett and Honorable Members of the Committee,

Clean Water Action supports the proposed changes to Rhode Island's Toxic Packaging Reduction Act embodied in H7619.

We are, admittedly, not thrilled at the prospect of delaying any of the effective dates for the portions of the law that pertain to regulating toxic PFAS chemicals in food packaging. The General Assembly recognized the environmental and public health threat posed by PFAS chemicals in food packaging and took action in 2022 to update the Toxic Packaging Act to ensure that food packaging sold in the state would be free from toxic PFAS chemicals. The need to address this issue has not changed in the two years since that law was passed. However, we recognize that some of the packaging companies in the state and elsewhere would have a hard time meeting the deadlines in the law, specifically as it pertains to the use of "processing agents" in the production of packaging. We felt it was important, however, to keep processing agents in the definition of "intentional introduction of PFAS" because these processing agents have the potential to be a source of PFAS in the final product. The proposed change to the effective date for the inclusion of processing agents in the definition should provide the industry with adequate time to find PFAS-free alternatives, (which we believe they are working on,) while keeping the intent of the original law intact.

The bill would also add polyvinyl chloride and polystyrene to the list of materials banned in packaging effective in 2026.

PVC (polyvinyl chloride) and PVDC (polyvinylidene chloride) are made from the carcinogenic compound vinyl chloride as well as other toxic additives and stabilizers, and the manufacturing of PVC and PVDC also involves the carcinogen asbestos and/or PFAS. Vinyl Chloride is a known carcinogen and was responsible for the community contamination after the 2023 train derailment in East Palestine, Ohio. PVC and PVDC have a variety of applications in packaging including cling film, shrink wrap, thermoform containers, blister packs and bottle closures.

PVC and PVDC are nearly impossible to recycle for many reasons, including the fact that different formulations contain additives that would be incompatible in recycled material. In addition, PVC and PVDC are expensive contaminants in the recycling streams of other packaging, can leak harmful

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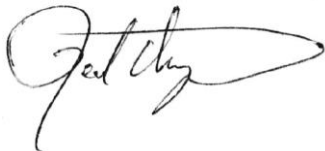
compounds into the ground after landfilling, and when incinerated release highly toxic dioxins, furans and heavy metals.

Made from the carcinogens styrene and benzene, polystyrene also contains harmful polycyclic aromatic hydrocarbons, some of which can cause cancer. Polystyrene is often used for packaging, such as loose-fill packaging “peanuts,” or polystyrene blocks, and foodware. Safer alternatives already exist for polystyrene packaging and several states including Colorado, Maine, Maryland, New York, New Jersey, Rhode Island, Vermont, Virginia, Washington and Washington DC have banned polystyrene in some types of food packaging. Like PVC, it should be eliminated from all packaging and should be replaced with nontoxic alternatives (where product redesign cannot eliminate the need for packaging altogether).

According to the most recent waste characterization study from Rhode Island Resource Recovery, thousands of tons of unrecyclable PVC and polystyrene are buried in the central landfill each year, shortening the life of our only landfill. Furthermore, hundreds of companies – including Walmart, Target, General Mills and Nestle - have signed on as “activators” to the U.S. Plastics Pact, which includes a commitment to phase out “unnecessary and problematic materials” (including PVC and polystyrene) from packaging by 2025. A full list of “activators” to the U.S. Plastics Pact is attached.

Clean Water Action urges this committee to pass this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Jed Thorp". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jed Thorp
Rhode Island Director, Clean Water Action

U.S. Plastics Pact Members

Activators

Activators include companies, governments, nonprofits and public-sector organizations committed to achieving U.S. Plastics Pact Targets.





INDEED



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