



August 21, 2020

RE: Toxics in Packaging Clearing House model legislation

To Whom it May Concern:

CCNJ supports an evidenced-based approach to the regulation and safety of packaging. Our industry has endorsed past TPCH efforts to regulate heavy metals in packaging because safe packaging is essential in today's society.

The Council supports decisions regarding product safety, including packaging, be made using a risk-based approach. As you are fully aware, a risk-based approach considers: the hazards, intended uses and exposure of the product, and the best available science that includes reliable peer review. As currently written, the Proposed Model Legislation does not offer a risk-based approach because it focuses solely on hazards. Section 6, which describes means to identify and prohibit "packaging chemicals of high concern," fails to outline exposure level requirements, thus leading to an incomplete picture of "risk" that potential additives in packaging may present. As discussed above, risk is a function of both hazard and exposure – without additional exposure requirements this section may exclude chemicals that are safe for their intended use, e.g. within packaging.

CCNJ supports efforts to recycle and recover plastic packaging materials to increase these materials functioning within a circular economy. We are concerned that this proposal would change key policies that support recycling and would create new criteria for managing substances in packaging that could undermine effective packaging design.

The Proposed Model Legislation is redundant since numerous regulations already exist to ensure the safety and design of packaging. In the U.S., there is a robust regulatory system in place for managing chemicals and packaging administered by EPA and the U.S. Food and Drug Administration (FDA). It is CCNJ's concern that the proposed changes would bypass important regulations and could have unintended consequences for product safety, packaging performance and overall life-cycle considerations such as recycling, and greenhouse gas reductions.

The Council also strongly believes that the proposal undercuts sound science and the interests of consumers by restricting entire classes of chemicals used in packaging materials, regardless of their differences. Each of these broad categories of chemistry includes many different individual compounds that have their own unique properties and environmental and health profiles. Painting all chemicals that share some generic name with a broad brush makes for bad policy that can prevent consumers from accessing important, safe and beneficial products they need.

Thank you for your time. Please, do not hesitate to reach out to me if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to be 'DH', with a long horizontal flourish extending to the right.

Dennis Hart
Executive Director
The Chemistry Council of New Jersey