Flexible Packaging Association
Connecting. Advancing. Leading.

185 Admiral Cochrane Drive
Suite 105
Annapolis, MD 21401

Tel (410) 694-0800
Fax (410) 694-0900

www.flexpack.org

June 29, 2026

Chairman Michael Rodrigues
Senate Ways & Means Committee
24 Beacon St., Room 212
Boston, MA 02133

RE: PFAS in Consumer Products, Concerns with S.3034

Dear Chairman Rodrigues and Members of the Senate Committee on Ways and Means:

The Flexible Packaging Association (FPA) appreciates the opportunity to provide feedback regarding Senate Bill 3034 – *An Act to protect Massachusetts public health from PFAS*. While FPA fully supports the underlying goal of protecting public health and managing environmental safety, several provisions in the current draft pose significant operational complexities that depart from established, workable PFAS frameworks adopted by other states.

Specifically, the current definition of "intentionally added" in S.3034 introduces a highly subjective standard that differs from existing regional frameworks governing food packaging. As currently drafted, this language may inadvertently restrict trace, unintentional contact and disrupt the supply chain for essential consumer and food packaging in the Commonwealth due to the administrative and operational requirements it establishes. FPA believes that addressing these provisions will help prevent unintended supply chain disruptions and maintain the affordability and safety of essential goods for Massachusetts residents.

Background on FPA and Flexible Packaging

FPA represents flexible packaging manufacturers, suppliers, and brand owners in the United States. Flexible packaging is produced from paper, plastic, film, aluminum foil, or any combination of these materials, and includes bags, pouches, labels, liners, wraps, rollstock, and other flexible products. Flexible

packaging is the fastest-growing and second-largest segment of the U.S. packaging industry, with $51.5 billion in annual sales and approximately 98,000 workers. Our industry employs nearly 1,700 people at flexible packaging manufacturing facilities in Massachusetts, representing a total economic impact of $2.5 billion.

Flexible packaging encompasses products we use every day, including hermetically sealed food and beverage products such as cereal, bread, frozen meals, infant formula, and juice, as well as sterile health and beauty items and pharmaceuticals, such as aspirin, shampoo, feminine hygiene products, and disinfecting wipes. Even pet food packaging uses flexible packaging to deliver fresh, healthy meals to a variety of animals. Flexible packaging is also used for medical device packaging to ensure that the products packaged, such as diagnostic tests, IV solutions and sets, syringes, catheters, intubation tubes, isolation gowns, and other personal protective equipment, remain sterile and effective at the time of use. As an industry, we are deeply committed to safety and sustainability, but regulations must be technically feasible to execute.

Broad Definition of "Intentionally Added"

A primary concern within S.3034 is the expansive nature of the definition of "intentionally added" in Sections 5T and 5U, which stipulates:

"Intentionally added" PFAS that is added to a product or enters the product from the manufacturing or processing of that product; the addition of which is known or reasonably ascertainable by the manufacturer. "Intentionally added" PFAS also includes any degradation by-products of PFAS or the use of PFAS or PFAS precursors as a processing agent, mold release agent, or the creation of PFAS via chemical reactions.

The phrase **"or enters the product from the manufacturing or processing of that product"** introduces compliance challenges for modern, high-speed manufacturing environments. Because these terms are broad, the text could be interpreted to encompass trace, microscopic transfer from standard manufacturing-line components, such as fluoropolymer lubricants, O-rings, and gaskets, which are critical to the safe and effective operation of commercial manufacturing lines. Clarifying this definition will ensure that

manufacturers can effectively comply without disrupting operations due to unavoidable mechanical contact.

Administrative and Operational Complexities within S.3034

Beyond the broad "intentionally added" definition, several administrative mechanisms in the bill introduce compliance procedures that depart from the streamlined, lower-overhead frameworks adopted by neighboring states:

- **Auditing Requirements (Section 5U(h)):** Section 5U(h)(1) requires manufacturers to establish an ongoing audit program to test for the presence of *unintentionally added* PFAS. This mandate shifts standard compliance protocols by requiring a continuous corporate testing infrastructure to monitor trace, non-functional background residues, presenting an unworkable standard where minor mechanical contact is categorized alongside intentional product formulation.

- **Supply Chain Notification Requirements (Section 5U(g)):** The bill creates an expansive downstream disclosure framework requiring manufacturers to electronically notify distributors and wholesalers that a product contains PFAS, who must then pass that notification to retailers. Given the current broad definition of "intentionally added," this multi-layered requirement may inadvertently cause supply chain confusion over minor manufacturing contact, leading retailers to preemptively remove compliant items from shelves.

- **Public Product Registries (Section 5U(f)):** Under Section 5U(f), manufacturers must register products on a state platform, listing specific chemical formulations, CAS numbers, and regional sales volumes, alongside an annual fee per notification. Managing a public reporting database of this scale presents major administrative hurdles and raises valid proprietary business data concerns for manufacturers managing complex product lines.

- **Exemption Mechanisms for Food Packaging:** While Section 5U(c)(1) allows certain consumer products to apply for a temporary "unavoidable use" exemption if an alternative does not exist, food packaging governed by Section 5T is entirely excluded from this protective process.

Extending this technical safety valve to food safety and sterility barriers would provide necessary alignment across all critical sectors and allow the industry a predictable transition period.

Alignment with Established State Models

Multiple states have successfully passed and implemented laws addressing PFAS in consumer products and packaging. Frameworks in states like Connecticut and Colorado demonstrate that it is entirely possible to phase out intentional PFAS use through clear definitions and standardized, low-overhead industry compliance certificates, without creating complex auditing or public registry infrastructure.

To ensure the bill remains workable and enforceable, we urge the Committee to align S.3034's definition of "intentionally added" with these established models:

The Connecticut Framework (Focus on Intentional Formulation): This model establishes a clear distinction between deliberate formulation and trace contamination, while safely protecting the processing of recycled content:

"Intentionally introduced" means deliberately utilizing PFAS chemicals in the formulation of a package or packaging component where the continued presence of the PFAS is desired in the final package or packaging component to provide a specific characteristic, appearance, or quality. Use of post-consumer recycled materials as feedstock where some portion may contain PFAS shall not usually be considered intentional introduction.[1]

The Colorado Framework (Focus on Functional Effect): This streamlined model successfully focuses on the manufacturer's true design intent and whether the chemical serves an active role in the final product:

"Intentionally added PFAS chemicals" means PFAS chemicals that a manufacturer has intentionally added to a product and that have a functional or technical effect on the product. "Intentionally added

[1] *Connecticut Public Act 21-191; S.B. 292 (PA 24-59) Conn. Gen. Stat. § 22a-903 et seq. via Connecticut General Assembly Official Portal*

PFAS chemicals" includes PFAS chemicals that are intentional breakdown products of an added chemical. [2]

By amending the definition in S.3034 to mirror these consistent state standards, Massachusetts can achieve its environmental goals without inadvertently creating an unworkable compliance landscape for the essential packaging industry

Conclusion and Next Steps

For the reasons outlined above, FPA must oppose S.3034 in its current form. However, we request and welcome further engagement with the Committee on how to refine these definitions to align with workable, established state models that protect public health without inadvertently restricting essential supply chains.

Thank you for your consideration. We are happy to discuss any of these technical issues with you and your staff before your vote. If we can provide further information or answer any questions in advance of your decision, please do not hesitate to contact FPA Director of Government Affairs Matt Singh at (410) 694-0824 or msingh@flexpack.org.

Sincerely,

Matt Singh
Director, Government Affairs
Flexible Packaging Association

[2] *Colorado (Ch.338 HB 22-1345) House Bill 22-1345 Enrolled Final Text via Colorado General Assembly Official Document Repository*