



PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY

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September 12, 2022

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Secretary Thomas Vilsack  
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Dear Administrator Regan, Commissioner Califf, and Secretary Vilsack:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) concerning an urgent matter of public health that falls within the jurisdiction of each of your agencies. New research confirms that toxic PFAS (per- and polyfluoroalkyl substances) are leaching from the inside coating of shipping containers into the products they contain. Fluorinated containers are used to ship foods and agricultural products around the country and the world.

PEER asks you to work collectively and with all deliberate speed to address this dangerous global PFAS exposure pathway.

As you know, the U.S. Environmental Protection Agency (EPA) has concluded that there is virtually no safe level in drinking water for two of the thousands of PFAS (PFOA and PFOS), setting a four and 20 part per **quadrillion** (ppq), respectively, health advisory.

A study EPA released last week entitled “Results of EPA’s Analytical Chemistry Branch Laboratory Study of PFAS Leaching from Fluorinated HDPE Containers” [[EPA PFAS Container Leaching Study 08122022\\_0.pdf](#)] looked at eight different PFAS substances (including PFOA) and fluorinated containers. This study was very thorough and yielded valuable results. It found –

- Even purified water in these fluorinated containers will cause PFAS to leach out into the water – no corrosive solvents are necessary;
  - After just one day, water had as much as 103 parts-per-trillion (ppt) of PFAS from the barrels. After 20 weeks, the amount rose to 2,888 ppt; and
  - Levels were much higher when methanol was used as the solvent (up to 14,720 ppt).
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As you well know, fluorinated containers are widely used to ship foods, cosmetics, fragrances, health care products, pharmaceuticals, and agriculture products, such as pesticides. While the true extent of this inadvertent source of PFAS contamination is unknown, the potential impacts are huge.

Human exposure to PFAS is associated with cancer, birth defects, developmental damage to infants, and impaired functioning of the liver, kidneys, and immune system. Because they do not readily break down in the environment and often bioaccumulate in the food chain and body, PFAS are known as “forever chemicals.” This also means that their continuous release will lead to increased contamination and increased probabilities of both known and unknown effects.

In addition, for some products contaminated by fluorinated containers the extent of PFAS exposure will be multiplied many times over. For example, insecticides are often aerially sprayed over acres and acres of land, often agricultural crops. Insecticides containing PFAS thus become agents for spreading PFAS far and wide.

In its public statement upon issuing this study, EPA declared that –

“In a shared interest to remove PFAS from the environment, if companies find PFAS in their products, they should notify EPA and take action to remove contaminated product.”

This “shared interest” in preventing the spread of PFAS and removing these chemicals from the environment extends beyond EPA and the users of fluorinated containers. We know that the Food and Drug Administration and the Department of Agriculture also share this concern.

However, PFAS remain largely unregulated. This means that each of your agencies will need to explore all powers that you have to stem the spread of PFAS through shipping commerce. To that end, PEER implores your agencies to immediately coordinate your efforts on this matter.

It is imperative that the use of fluorinated containers, especially for food products and pesticides sprayed on food, must be banned as soon as possible. However, without the prospect of federal regulatory action, private companies have no incentive – and perhaps a distinct disincentive – to test.

Consequently, America urgently needs a comprehensive interagency strategy that will effectively close this pathway for even more extensive inadvertent PFAS contamination of the food we eat, products applied to our soils and in our waters, and commodities with the potential for both direct and indirect human exposure. Further, this pressing need demands your collective attention in a most timely manner.

We realize that the public health challenge formed by this exposure pathway is unprecedented. That is why it will require your collective regulatory and enforcement efforts to effectively address this matter.

If PEER can be of any assistance in furthering your joint response, please do not hesitate to call upon us.

Sincerely,

Tim Whitehouse  
Executive Director