

# PFAS Linked to Climate Change According to Environmental NGO

## Publications

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In the latest attack on per- and polyfluoroalkyl substances (PFAS), a recent report issued by the environmental group, Toxic-Free Future (TFF), seeks to link PFAS utilized in the manufacture of food packaging to the release of greenhouse gases. The report focuses on the use of PFAS in food packaging, and more specifically, releases of chlorodifluoromethane (HCFC-22 or R22) in connection with the manufacture of PFAS for use in food packaging. HCFC-22 is an ozone depleting substance with a global-warming potential estimated at more than 1,800 times that of carbon dioxide. HCFC-22 has been phased out in the United States in accordance with the Montreal Protocol and as of January 1, 2020, can no longer be produced, imported or used in the United States (except for continued servicing needs of existing equipment).

According to the TFF report, however, because HCFC-22 is produced as an intermediate (a substance formed as part of a larger chemical reaction but that is then consumed in later stages of the production process) during the manufacture of PFAS, it is not subject to the above-referenced use prohibitions. As such, according to the TFF report, facilities that are manufacturing these PFAS compounds are releasing significant amounts of HCFC-22 into the environment (notwithstanding being classified as "intermediates") in contravention of the prohibitions in the Montreal Protocol. Because of this loophole, the TFF report argues for "class-based" limits on PFAS chemicals at the federal and/or state level.

U.S. EPA continues to assess regulation of PFAS compounds through a variety of regulatory regimes, including setting an MCL under the Safe Drinking Water Act and designating some or all PFAS-compounds as "hazardous substances" under CERCLA. Efforts to link PFAS production to climate change will only increase the pressure on U.S. EPA to move forward with these regulatory efforts. We will continue to provide timely updates with respect to these efforts on the Corporate Environmental Lawyer blog.

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