



PFAS In Packaging: Legal Observations And Lessons Learned

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On Tuesday, May 5, I presented as part of the [Environmental Law Institute's Master Class on PFAS: From Common Use to Concern](#). My panel, "PFAS in Packaging," closed out the three-part panel series, with the first two panels presenting on "PFAS 101 & Updates" and "PFAS in Water." The Master Class was sponsored by AECOM and featured a number of technical and legal professionals, as well as regulators.

The discussion focused on legal observations and lessons learned from working on issues with PFAS in packaging, and how we can apply those lessons more broadly to other PFAS issues, as well as to future emerging contaminants. It's important to recognize that the legal and technical issues, as well as the questions being asked by regulated entities, all are developing at the same time – so developments in one area inform the developments in each of the others.

For legal issues, we need to understand the drivers for new legal activities, the types of legal activities to anticipate, and the regulatory backdrop. The technical issues to follow include identifying the pathways of concern, the state of the science, questions to ask about data integrity, and whether there are technically-supported solutions. Legal counsel can guide regulated entities through a risk analysis that involves understanding the legal and technical issues, as well as other business concerns, such as market and customer demands and the feasibility of alternatives.

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Other issues that come into play include risk communication, keeping up with multi-agency and multi-department regulatory developments at state and federal levels, and finding the right technical and legal resources with whom to partner.

This framework is helpful in understanding the interplay between the legal, the technical and the special business concerns of the regulated entities, whether for PFAS in packaging, other PFAS issues, or the next emerging contaminant.