



On February 28, 2024, the U.S. Food and Drug Administration (FDA) [announced](#) that grease-proofing substances containing per- and polyfluoroalkyl substances (PFAS) are no longer being sold by manufacturers for food contact use in the U.S. market.

Specifically, the agency reported that it has worked with manufacturers to obtain commitments to cease sales of grease-proofing substances for food contact use that contain certain types of PFAS.

What Are PFAS?

PFAS, also known as "forever chemicals," are widely used, long-lasting chemicals that break down very slowly over time. Since the 1940s, PFAS have been used to manufacture many products, including products that come into contact with food, such as nonstick cookware and food-packaging products that resist grease, water, and oil.

Grease-proofing substances for food contact use are applied to paper and paperboard packaging to avoid the leaking of food-related grease and oil, as well as for water resistance. FDA identified several examples of where these grease-proofing substances were used, such as fast-food wrappers, microwave popcorn bags, take-out paperboard containers, and pet food bags.

What's Next?

FDA's announcement indicates that the agency may be poised for further action regarding PFAS. In a [statement](#), FDA Deputy Commissioner for Human Foods Jim Jones noted that "the major source of dietary exposure to PFAS from food packaging" is now "being eliminated." Deputy Commissioner Jones further stated that "this FDA-led effort represents a positive step forward" as FDA continues to "reevaluate chemicals authorized for use with, and in, food."

FDA may also be gearing up for market monitoring regarding the use of PFAS in food packaging more generally. In its announcement, FDA also stated that the agency is working toward a validated analytical method that would enable the agency to "monitor the market for these food contact substances in food packaging." Separately, FDA announced on March 4 that it had updated its [list of select chemicals currently under the agency's review](#), which includes PFAS. In this updated list, FDA noted that the agency is monitoring "the latest information about all remaining authorized uses of PFAS in food contact application."

Other regulators at the federal and state levels are also taking action on PFAS. We have previously [reported](#) on the U.S. Environmental Protection Agency's October 2023 final rule on reporting obligations for manufacturers of PFAS and PFAS-containing products. Per our prior reporting ([here](#) and [here](#)) at least 12 states, including New York and California, have enacted restrictions on PFAS in food packaging.

PFAS chemical restrictions in consumer products are evolving. Businesses operating in various jurisdictions, both in the United States and internationally, need to stay abreast of the changing regulations to ensure compliance and avoid costly litigation. Within this rapidly developing regulatory context, businesses should collaborate with legal counsel and other professionals to enable informed choices regarding the manufacturing, distribution, and sale of consumer products containing PFAS chemicals.

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