

July 9, 2003

Frederick A. DeLuca
President and Chief Executive Officer
Subway Restaurants
325 Bic Drive
Milford, CT 06460

Re: Food Packaging Chemicals

Dear Mr. DeLuca,

The U.S. Environmental Protection Agency (EPA) has undertaken an effort to answer the question of how one member of the fluorinated chemical class has contaminated the blood of almost every American. This review is the largest in the Agency's history, and the stakes are enormous. However, we are concerned about the efforts by DuPont, 3M, and other manufacturers to sharply limit the number of consumer products included in the review of potential routes of exposure and to keep the names of those products and the findings of the review secret.

Surely, widely shared public information is the best policy when the stakes for public health are so great.

Therefore, we are writing to bring to your attention recent studies and government actions on common food packaging chemicals, and to request information on the types of chemical coatings used in your products. We are concerned that you may be using fluorinated chemicals that break down into a persistent, toxic contaminant called perfluorooctanoic acid, or PFOA, the chemical currently under intense review at EPA over concerns about its potential to harm human health (EPA 2003).

Six years ago, scientists at the 3M Company detected PFOA and similar fluorinated chemicals in human blood samples from U.S. blood banks, at levels close to those that harm laboratory animals (EWG 2003). A series of follow-up studies confirmed PFOA contamination in people and wildlife at a nearly global scale. Studies also show that the chemical is toxic to animals at low doses and never breaks down in the environment (EPA 2002). Common chemicals used in food packaging, called "fluorinated telomers," can break down into PFOA, and are one of the likely sources of the chemical in the human body. These findings prompted the U.S. EPA to peremptorily force a number of food packaging chemicals related to PFOA off the market in 2000, and to instigate an intense government review and a data call-in of unprecedented scale for PFOA-related products, a process that began in 2002.

Over the past six years EPA has acquired more than 50,000 pages of studies on the toxicity and prevalence of PFOA and related chemicals, conducted by manufacturers of fluorinated chemicals over the past four decades. The chemical industry is planning more tests to better define sources of human exposure under an enforceable agreement with EPA, but unfortunately, only two food packaging products are slated for testing (EPA 2003). Details about the products are being claimed as confidential by the

industry, and publicly available information is limited. We are writing you to request information that the chemical industry is unable or unwilling to provide, in the hope that your answers will give your customers knowledge of, and confidence in, the safety of your products.

Our current understanding is that the use of PFOA chemicals could be widespread in the fast food industry, and in fact, our initial concerns about your industry were instigated by a document written by a 3M contractor that advised a supermarket food sampling team to wash their hands thoroughly after eating fast food, because of concerns that the chemicals in food packaging would contaminate the samples: "Many food and snack products – microwave popcorn, fast-food (sandwiches, chicken, French fries), pizza, bakery items, beverages, candy, cookies – are packaged in wrappers treated with the chemicals of interest. Therefore, hands will be thoroughly washed after handling fast food, carryout food, or snacks." Knowing if your products contain PFOA chemicals will be critical information to both EPA and your customers in making decisions that affect potential health risks from food packaging.

PFOA causes a wide array of toxic effects in laboratory animals including damage to the immune system, reproductive tissues, liver, kidney, pituitary gland and adrenal gland. It can decrease thyroid hormone level, a known risk factor for impaired brain development. PFOA is carcinogenic to laboratory animals, causing tumors of the liver, mammary glands (breast), testes and pancreas. In studies the 3M Company submitted to the government in 2001, scientists reported finding PFOA in the blood of 96 percent of 598 children tested in 23 states and the District of Columbia (EPA 2002, EWG 2003).

Given the body of data that has accumulated on the toxicity and prevalence of PFOA, we believe it is not too soon for companies that use the chemicals in food packaging to take notice of the emerging findings and assess options that, if implemented, would eliminate the use of chemicals that break down into PFOA, and any associated human exposures.

If you are using fluorinated chemicals in food packaging, as many companies are, we look forward to hearing your plans for eliminating their use in the future as a proactive way to protect the health of your customers and reduce contamination of the biosphere with these toxic, indestructible pollutants.

Sincerely,

Kenneth A. Cook
President

References:

Environmental Protection Agency (EPA). 2002. Revised draft hazard assessment of perfluorooctanoic acid and its salts, November 4, 2002. U.S. EPA Administrative Record AR226-1136.

Environmental Protection Agency (EPA). 2003. EPA intensifies scientific investigation of a chemical processing aid, April 14, 2003 press release and path forward. Available online at <http://www.epa.gov/opptintr/pfoa/>.

Environmental Working Group (EWG). 2003. PFCs: A chemical family that contaminates the planet. Available online at <http://www.ewg.org/reports/pfcworld/>.