

HOUSE No. 2348

The Commonwealth of Massachusetts

PRESENTED BY:

Jack Patrick Lewis

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ban the use of PFAS in food packaging.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/16/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/17/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/18/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/18/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>
<i>Carmine Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>3/25/2021</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>4/1/2021</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>4/1/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>4/2/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>4/5/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>4/5/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>4/6/2021</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>4/6/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>4/7/2021</i>

HOUSE No. 2348

By Mr. Lewis of Framingham, a petition (accompanied by bill, House, No. 2348) of Jack Patrick Lewis and others for legislation to ban the use of certain chemicals in food packaging. Public Health.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to ban the use of PFAS in food packaging.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Whereas, perfluoroalkyl and polyfluoroalkyl substances, known as PFAS,
2 are highly persistent chemicals that are transported long distances in the environment; and

3 Whereas, manufacturers in the United States have voluntarily worked to reduce releases
4 of long-chain PFASs due to their toxic effects on human health; and

5 Whereas, the PFAS with fewer than 8 carbon-fluorine bonds currently being used as
6 alternatives to perfluorooctanoic sulfonate, known as PFOA, and perfluorooctanoic acid, known
7 as PFOS, are also highly persistent and subject to long-range transport and have similar potential
8 for harm as the long-chain PFAS; and

9 Whereas, over 200 scientists from all over the world have signed a statement calling for
10 governments to limit the use of PFAS while studies determine the safety of these chemicals,
11 given their persistence in the environment, potential for harm, and lack of adequate data proving
12 safety; and

13 Whereas, food packaging, contains PFAS in order to resist grease and other fats from
14 sticking to the paper packaging; and

15 Whereas, alternatives are already in use in food packaging.

16 Resolved, that the policy goals of this act shall be to limit exposure of residents of the
17 Commonwealth to PFAS through food packaging.

18 SECTION 2. Chapter 94B of the General Laws, as appearing in the 2018 Official
19 Edition, is hereby amended by inserting after Section 10 the following section:-

20 Section 11. (a) As used in this section, the following words shall have the following
21 meanings:-

22 "Food package", a package or packaging component that is intended for the marketing,
23 protection, or handling of a product intended for food contact or used to store food and
24 foodstuffs for sale.

25 "Manufacturer", a person, firm, association, partnership, government entity, organization,
26 joint venture, or corporation that applies a package to a product for distribution or sale.

27 "Package", a container providing a means of marketing, protecting, or handling a product
28 which shall include a unit package, an intermediate package, a shipping container and unsealed
29 receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and
30 wrapping films, bags, and tubs.

31 "Packaging component", an individual assembled part of a package such as, but not
32 limited to, any interior or exterior blocking, bracing, cushioning, weatherproofing, exterior
33 strapping, coatings, closures, inks, and labels.

34 "Perfluoroalkyl and polyfluoroalkyl substances", a class of fluorinated organic chemicals
35 containing at least one fully fluorinated carbon atom.

36 (b) No person or entity shall manufacture, knowingly sell, offer for sale, distribute for
37 sale, or distribute for use in the commonwealth food packaging to which perfluoroalkyl and
38 polyfluoroalkyl substances have been intentionally added in any amount.

39 (c) A certificate of compliance stating that a package or packaging component is in
40 compliance with the requirements of this act shall be furnished by its manufacturer or supplier to
41 its purchaser. The certificate of compliance shall be signed by an authorized official of the
42 manufacturing or supplying company. The purchaser shall retain the certificate of compliance for
43 as long as the package or packaging component is in use. A copy of the certificate of compliance
44 shall be kept on file by the manufacturer or supplier of the package or packaging component.
45 Certificates of compliance, or copies thereof, shall be furnished to the department of public
46 health upon request and to members of the public in accordance with section 9.

47 If the manufacturer or supplier of the package or packaging component reformulates or
48 creates a new package or packaging component, the manufacturer or supplier shall provide an
49 amended or new certificate of compliance for the reformulated or new package or packaging
50 component.

51 SECTION 3. Subsection (b) of section 2 shall take effect on January 1, 2023.

52 SECTION 4. Subsection (c) of said section 2 shall take effect 90 days after the effective
53 date of this act.