

115TH CONGRESS  
2D SESSION

# S. 3155

To ban the use of ortho-phthalate chemicals as food contact substances.

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IN THE SENATE OF THE UNITED STATES

JUNE 28, 2018

Mrs. FEINSTEIN (for herself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To ban the use of ortho-phthalate chemicals as food contact substances.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Our Food  
5 From Phthalate Contamination Act”.

1 **SEC. 2. PROHIBITION ON USE OF ORTHO-PHTHALATE**  
2 **CHEMICALS AS FOOD CONTACT SUBSTANCES,**  
3 **INCLUDING FOOD PACKAGING MATERIALS.**

4 (a) **IN GENERAL.**—Notwithstanding any other provi-  
5 sion of law, effective on the date that is 2 years after the  
6 date of enactment of this Act—

7 (1) the use of any ortho-phthalate chemical as  
8 a food contact substance shall be deemed to be un-  
9 safe for the purposes of the application of clause  
10 (2)(C) of section 402(a) of the Federal Food, Drug,  
11 and Cosmetic Act (21 U.S.C. 342(a));

12 (2) any regulation previously issued under sec-  
13 tion 409 of such Act (21 U.S.C. 348) prescribing  
14 the conditions under which any ortho-phthalate  
15 chemical may be safely used as a food contact sub-  
16 stance shall have no force or effect; and

17 (3) the Secretary of Health and Human Serv-  
18 ices (referred to in this Act as the “Secretary”) shall  
19 object to any notification of an intended use of an  
20 ortho-phthalate chemical as a food contact substance  
21 submitted under section 409(h)(1) of such Act, and  
22 may not issue regulations prescribing any conditions  
23 under which any ortho-phthalate chemical may be  
24 safely used as a food contact substance.

25 (b) **ALTERNATIVE SUBSTANCES.**—Notwithstanding  
26 any other provision of law, beginning on the date that is

1 2 years after the date of enactment of this Act, in acting  
2 in response to any petition under section 409 of the Fed-  
3 eral Food, Drug, and Cosmetic Act (21 U.S.C. 348) to  
4 establish safety with respect to a food contact substance  
5 that the Secretary determines to be an alternative to an  
6 ortho-phthalate chemical, in addition to the criteria under  
7 subsection (e) of such section 409, the Secretary shall con-  
8 sider potential adverse effects of exposure to the substance  
9 on vulnerable populations, including pregnant women, in-  
10 fants, children, the elderly, and populations with high ex-  
11 posure, including workers who are exposed through pro-  
12 duction practices or handling of final products.

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