

119TH CONGRESS
2D SESSION

S. 4724

To amend the Federal Food, Drug, and Cosmetic Act to deem certain substances to be unsafe for use as food contact substances, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2026

Mr. BLUMENTHAL (for himself, Mr. MERKLEY, Mr. MARKEY, Ms. DUCKWORTH, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to deem certain substances to be unsafe for use as food contact substances, and for other purposes.

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 “No Toxic Chemicals
5 in Food Packaging Act of 2026”.

1 **SEC. 2. SUBSTANCES DEEMED UNSAFE FOR USE AS FOOD**
2 **CONTACT SUBSTANCES.**

3 (a) IN GENERAL.—Section 409 of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 348) is amended by
5 adding at the end the following:

6 “(l) SUBSTANCES DEEMED UNSAFE FOR USE AS
7 FOOD CONTACT SUBSTANCES.—

8 “(1) IN GENERAL.—For purposes of this sec-
9 tion and section 402(a)(2)(C), the following are
10 deemed to be unsafe for use as food contact sub-
11 stances:

12 “(A) Any chemical belonging to the class
13 of ortho-phthalates.

14 “(B) Any chemical belonging to the class
15 of PFAS.

16 “(C) Bisphenol A, B, S, F, or AF or re-
17 lated compounds.

18 “(D) Acrolein.

19 “(E) Acrylamide.

20 “(F) BHA (ter-Butyl-4-hydroxyanisole).

21 “(G) Chlorinated paraffins.

22 “(H) 1,4-Dioxane.

23 “(I) Asbestos.

24 “(J) Benzene.

25 “(K) Chloroform.

26 “(L) Methylene chloride.

1 “(M) Ethylene Oxide.

2 “(N) Formaldehyde.

3 “(O) Styrene Polymers.

4 “(2) ALTERNATIVE SUBSTANCES.—In acting in
5 response to any petition under this section to estab-
6 lish safety with respect to a food contact substance
7 that the Secretary determines to be an alternative to
8 a substance listed in paragraph (1), in addition to
9 the criteria under subsection (c), the Secretary shall
10 consider potential adverse effects of exposure to the
11 substance on vulnerable populations.

12 “(3) DEFINITIONS.—In this subsection:

13 “(A) The term ‘ortho-phthalates’ means a
14 class of chemicals that are non-polymeric esters
15 of ortho-phthalic acid.

16 “(B) The term ‘PFAS’ means a
17 perfluoroalkyl substance or a polyfluoroalkyl
18 substance that contains at least one fully
19 fluorinated methyl or methylene carbon atom.

20 “(C) The term ‘vulnerable population’
21 means a human population that is subject to
22 the potential for disproportionate exposure to,
23 or the potential for disproportionate adverse ef-
24 fect from exposure to, a chemical substance or
25 mixture, including—

- 1 “(i) infants, children, and adolescents;
- 2 “(ii) pregnant women;
- 3 “(iii) the elderly;
- 4 “(iv) individuals with preexisting med-
- 5 ical conditions;
- 6 “(v) workers who may be exposed to
- 7 chemical substances and mixtures;
- 8 “(vi) residents in communities subject
- 9 to disproportionate exposures; and
- 10 “(vii) members of any other appro-
- 11 priate population identified by the Sec-
- 12 retary.

13 “(4) RELATIONSHIP TO STATE AND LOCAL
 14 LAW.—This subsection shall be construed as estab-
 15 lishing a minimum standard for the protection of
 16 public health. Nothing in this section, or in any reg-
 17 ulation promulgated under this section, shall be con-
 18 strued to—

19 “(A) preempt, displace, supplant, prohibit,
 20 or restrict any provision of State or local law
 21 (including any statute, regulation, ordinance, or
 22 common law) relating to food additives or food
 23 contact materials that is equivalent to or more
 24 stringent than the requirements of this sub-

1 section, or to prevent the adoption or enforce-
2 ment of such a law; or

3 “(B) affect or preempt any right of action
4 or remedy under State or local law (including
5 any statute, regulation, ordinance, or common
6 law), including any tort or consumer protection
7 law, except to the extent that such law is incon-
8 sistent with this subsection.”.

9 (b) DELAYED APPLICABILITY.—Section 409(l) of the
10 Federal Food, Drug, and Cosmetic Act, as added by sub-
11 section (a), applies beginning on the date that is 2 years
12 after the date of enactment of this Act.

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