

115TH CONGRESS
2D SESSION

S. 3155

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

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

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 (c) 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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