

116TH CONGRESS
1ST SESSION

H. R. 2827

To amend the Federal Food, Drug, and Cosmetic Act to deem any perfluoroalkyl or polyfluoroalkyl substance used as a food contact substance to be unsafe and therefore treated as adulterated under such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2019

Mrs. DINGELL introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to deem any perfluoroalkyl or polyfluoroalkyl substance used as a food contact substance to be unsafe and therefore treated as adulterated under such Act, 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 “Keep Food Containers
5 Safe from PFAS Act of 2019”.

1 **SEC. 2. PROHIBITION AGAINST FOOD CONTACT SUB-**
2 **STANCES CONTAINING PERFLUOROALKYL**
3 **AND POLYFLUOROALKYL SUBSTANCES.**

4 Paragraph (6) of section 409(h) of the Federal Food,
5 Drug, and Cosmetic Act (21 U.S.C. 348(h)(6)) is amend-
6 ed—

7 (1) by striking “(6)” and inserting “(6)(A)
8 DEFINITION.—”; and

9 (2) by adding at the end the following:

10 “(B) PERFLUORINATED COMPOUNDS.—

11 “(i) DEEMED UNSAFE.—Beginning on January
12 1, 2022, any PFAS used as a food contact sub-
13 stance is deemed to be unsafe for the purposes of
14 this section and the application of clause (2)(C) of
15 section 402(a).

16 “(ii) DEFINITIONS.—In this subparagraph:

17 “(I) The term ‘PFAS’ means a
18 perfluoroalkyl substance or a polyfluoroalkyl
19 substance that is man-made with at least 1
20 fully fluorinated carbon atom.

21 “(II) The term ‘perfluoroalkyl substance’
22 means a man-made chemical of which all of the
23 carbon atoms are fully fluorinated carbon
24 atoms.

25 “(III) The term ‘polyfluoroalkyl substance’
26 means a man-made chemical containing a mix

- 1 of fully fluorinated carbon atoms, partially
- 2 fluorinated carbon atoms, and nonfluorinated
- 3 carbon atoms.”.

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