

HOUSE No. 3839

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: |
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| <i>Jack Patrick Lewis</i> | <i>7th Middlesex</i> |
| <i>Michelle L. Ciccolo</i> | <i>15th Middlesex</i> |
| <i>Mike Connolly</i> | <i>26th Middlesex</i> |
| <i>Mindy Domb</i> | <i>3rd Hampshire</i> |
| <i>Michelle M. DuBois</i> | <i>10th Plymouth</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> |
| <i>Nika C. Elugardo</i> | <i>15th Suffolk</i> |
| <i>Dylan A. Fernandes</i> | <i>Barnstable, Dukes and Nantucket</i> |
| <i>Denise C. Garlick</i> | <i>13th Norfolk</i> |
| <i>Carlos González</i> | <i>10th Hampden</i> |
| <i>Tami L. Gouveia</i> | <i>14th Middlesex</i> |
| <i>James K. Hawkins</i> | <i>2nd Bristol</i> |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> |
| <i>David Henry Argosky LeBoeuf</i> | <i>17th Worcester</i> |
| <i>David Paul Linsky</i> | <i>5th Middlesex</i> |
| <i>Brian W. Murray</i> | <i>10th Worcester</i> |
| <i>Harold P. Naughton, Jr.</i> | <i>12th Worcester</i> |

| | |
|------------------------------|---------------------------------------|
| <i>Denise Provost</i> | <i>27th Middlesex</i> |
| <i>Rebecca L. Rausch</i> | <i>Norfolk, Bristol and Middlesex</i> |
| <i>David Allen Robertson</i> | <i>19th Middlesex</i> |
| <i>Maria Duaine Robinson</i> | <i>6th Middlesex</i> |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> |
| <i>Daniel J. Ryan</i> | <i>2nd Suffolk</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> |
| <i>Jon Santiago</i> | <i>9th Suffolk</i> |
| <i>Steven Ultrino</i> | <i>33rd Middlesex</i> |
| <i>John C. Velis</i> | <i>4th Hampden</i> |
| <i>RoseLee Vincent</i> | <i>16th Suffolk</i> |
| <i>Tommy Vitolo</i> | <i>15th Norfolk</i> |
| <i>Paul Brodeur</i> | <i>32nd Middlesex</i> |
| <i>Ann-Margaret Ferrante</i> | <i>5th Essex</i> |
| <i>Julian Cyr</i> | <i>Cape and Islands</i> |
| <i>Aaron Vega</i> | <i>5th Hampden</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> |
| <i>Adrian C. Madaro</i> | <i>1st Suffolk</i> |
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> |
| <i>Mary S. Keefe</i> | <i>15th Worcester</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> |

HOUSE No. 3839

By Mr. Lewis of Framingham, a petition (accompanied by bill, House, No. 3839) 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-First General Court
(2019-2020)**

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. The general court hereby finds and declares that:-

2 (i) Perfluoroalkyl and polyfluoroalkyl substances (PFAS) are highly persistent chemicals
3 that are transported long distances in the environment.

4 (ii) U.S. manufacturers have voluntarily worked to reduce releases of long-chain PFASs
5 due to their toxic effects on human health.

6 (iii) The PFAS with fewer than 8 carbon-fluorine bonds currently being used as
7 alternatives to PFOA and PFOS are also highly persistent and subject to long-range transport. In
8 addition, the alternative PFAS have similar potential for harm as the long-chain PFAS.

9 (iv) 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.

13 (v) Food packaging contains PFAS in order to resist grease and other fats from sticking to
14 the paper packaging.

15 (vi) Alternatives are already in use in food packaging.

16 SECTION 2. Chapter 111 of the General Laws, as appearing in the 2016 Official Edition,
17 is hereby amended by inserting after section 5R the following section:—

18 Section 5S. (a) For the purpose of this section the following words shall, unless the
19 context clearly requires otherwise, have the following meanings:—

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

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

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

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

32 "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS", a class of fluorinated organic
33 chemicals containing at least fully fluorinated carbon atom.

34 (b) No person may manufacture, knowingly sell, offer for sale, distribute for sale or
35 distribute for use in Massachusetts food packaging to which PFAS have been intentionally added
36 in any amount.

37 (c) Any person who manufactures, sells, offers for sale or distributes food packaging to
38 which PFAS have been knowingly added in any amount in violation of this section shall be
39 punished by a fine of not less than \$100 and not more than \$500 for each 24 hour period during
40 which such violation occurs. The department of public health may seize any food packaging held
41 for sale or distribution in violation of this section. The seized food packaging shall be forfeited.

42 (d) A manufacturer of food packaging that is sold, offered for sale, distributed for sale or
43 distributed for use in Massachusetts shall prepare and, at the request of the department, submit to
44 the department no more than 30 days after the date of the request, technical documentation or
45 other information showing that the food packaging is in compliance with the requirements of this
46 section.