

118TH CONGRESS
1ST SESSION

H. R. 6105

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 HOUSE OF REPRESENTATIVES

OCTOBER 26, 2023

Ms. SCHAKOWSKY (for herself, Ms. DELAURO, Mrs. DINGELL, Ms. NORTON, Ms. PINGREE, Ms. VELÁZQUEZ, Mrs. WATSON COLEMAN, Mr. LYNCH, and Mr. GRIJALVA) 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 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 Toxics in Food
5 Packaging Act of 2023”.

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 “(j) 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) Styrene.

19 “(E) Antimony trioxide.

20 “(2) ALTERNATIVE SUBSTANCES.—In acting in
21 response to any petition under this section to estab-
22 lish safety with respect to a food contact substance
23 that the Secretary determines to be an alternative to
24 a substance listed in paragraph (1), in addition to
25 the criteria under subsection (c), the Secretary shall

1 consider potential adverse effects of exposure to the
2 substance on vulnerable populations.

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

4 “(A) The term ‘ortho-phthalates’ means a
5 class of chemicals that are esters of ortho-
6 phthalic acid including—

7 “(i) DEHP 117–81–7;

8 “(ii) BBP 85–68–7;

9 “(iii) DBP 84–74–2;

10 “(iv) DIDP 26761–40–0;

11 “(v) DnHP 84–75–3;

12 “(vi) DINP 28553–12–0;

13 “(vii) DNOP 117–84–0;

14 “(viii) DEP 84–66–2;

15 “(ix) DIBP 84–69–5;

16 “(x) DPENP 131–18–0; and

17 “(xi) DCHP 84–61–7.

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

22 “(C) The term ‘vulnerable population’
23 means a human population that is subject to
24 the potential for disproportionate exposure to,
25 or the potential for disproportionate adverse ef-

1 fect from exposure to, a chemical substance or
2 mixture, including—

3 “(i) infants, children, and adolescents;

4 “(ii) pregnant women;

5 “(iii) the elderly;

6 “(iv) individuals with preexisting med-
7 ical conditions;

8 “(v) workers who may be exposed to
9 chemical substances and mixtures;

10 “(vi) residents in communities subject
11 to disproportionate exposures; and

12 “(vii) members of any other appro-
13 priate population identified by the Sec-
14 retary.”.

15 (b) DELAYED APPLICABILITY.—Section 409(j) of the
16 Federal Food, Drug, and Cosmetic Act, as added by sub-
17 section (a), applies beginning on the date that is 2 years
18 after the date of enactment of this Act.

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