

115TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

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”.

6 **SEC. 2. PROHIBITION ON USE OF ORTHO-PHTHALATE**
7 **CHEMICALS AS FOOD CONTACT SUBSTANCES,**
8 **INCLUDING FOOD PACKAGING MATERIALS.**

9 (a) IN GENERAL.—Notwithstanding any other provi-
10 sion of law, effective on the date that is 2 years after the
11 date of enactment of this Act—

1 (1) the use of any ortho-phthalate chemical as
2 a food contact substance shall be deemed to be un-
3 safe for the purposes of the application of clause
4 (2)(C) of section 402(a) of the Federal Food, Drug,
5 and Cosmetic Act (21 U.S.C. 342(a));

6 (2) any regulation previously issued under sec-
7 tion 409 of such Act (21 U.S.C. 348) prescribing
8 the conditions under which any ortho-phthalate
9 chemical may be safely used as a food contact sub-
10 stance shall have no force or effect; and

11 (3) the Secretary of Health and Human Serv-
12 ices (referred to in this Act as the “Secretary”) shall
13 object to any notification of an intended use of an
14 ortho-phthalate chemical as a food contact substance
15 submitted under section 409(h)(1) of such Act, and
16 may not issue regulations prescribing any conditions
17 under which any ortho-phthalate chemical may be
18 safely used as a food contact substance.

19 (b) ALTERNATIVE SUBSTANCES.—Notwithstanding
20 any other provision of law, beginning on the date that is
21 2 years after the date of enactment of this Act, in acting
22 in response to any petition under section 409 of the Fed-
23 eral Food, Drug, and Cosmetic Act (21 U.S.C. 348) to
24 establish safety with respect to a food contact substance
25 that the Secretary determines to be an alternative to an

1 ortho-phthalate chemical, in addition to the criteria under
2 subsection (e) of such section 409, the Secretary shall con-
3 sider potential adverse effects of exposure to the substance
4 on vulnerable populations, including pregnant women, in-
5 fants, children, the elderly, and populations with high ex-
6 posure, including workers who are exposed through pro-
7 duction practices or handling of final products.