**SENATE COMMITTEE ON ENVIRONMENTAL QUALITY**
**Senator Allen, Chair**
**2021 - 2022 Regular**

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| **Bill No:** | AB 1200 | | |
| **Author:** | Ting | | |
| **Version:** | 6/28/2021 | **Hearing Date:** | 7/7/2021 |
| **Urgency:** | No | **Fiscal:** | No |
| **Consultant:** | Rylie Ellison | | |

**SUBJECT:** Plant-based food packaging: cookware: hazardous chemicals

**DIGEST:** This bill prohibits the sale of food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS). Requires cookware manufacturers to label their product if it contains chemicals on specified lists and prohibits manufacturers from making a claim that cookware is free of a chemical if the chemical belongs to a chemical group or class, as specified.

**ANALYSIS:**

Existing law:

1) Authorizes the State Water Resources Control Board (State Water Board) to order a public water system to monitor for PFAS, requires community water systems to report detections, and where a detected level of these substances exceeds the response level, to take a water source out of use or provide a prescribed public notification. (Health and Safety Code (HSC) §116378)

2) Requires, commencing January 1, 2022, a person that sells firefighter personal protective equipment to provide a written notice to the purchaser if the firefighter personal protective equipment contains intentionally added PFAS chemicals. (HSC §13029)

3) Prohibits a manufacturer of class B firefighting foam from manufacturing, or knowingly selling, offering for sale, distributing for sale, or distributing for use in this state, and prohibits a person from using in this state, class B firefighting foam containing intentionally added PFAS chemicals. (HSC §13061-13062)

4) Prohibits the sale, manufacture, or distribution of a bottle or cup or a liquid, food or beverage in a can, jar, or plastic bottle that contains bisphenol A if the item is primarily intended for children three years of age or younger. (HSC §108940)

5) States that it is the intent of the Legislature to provide consumers and workers with ingredient information about cleaning products that encourages informed purchasing decisions and reduces public health impacts from exposure to potentially harmful chemicals in cleaning products by requiring product manufacturers to provide a specific list of the chemicals used in their products, and requiring specified employers to provide that information to their employees. (HSC §108950)

6) Requires a manufacturer of cleaning products sold in the state to disclose: (HSC §108954)

    a) Whether the product contains any intentionally added ingredients that are included on specified authoritative lists of chemicals that pose risks to human health on the product label, as specified;
    b) The manufacturer's toll-free telephone number and internet website address on the designated product label; and,
    c) Specified information, including a list of each intentionally added ingredient contained in the product, on the manufacturer's website.

7) Requires the Department of Toxic Substances Control (DTSC) to adopt regulations to establish a process to identify and prioritize chemicals and chemical ingredients that may be considered chemicals of concern, as specified. (HSC §25252)

    a) Identifies, pursuant to regulation, chemicals that are candidates for the above-described process that exhibit a hazard trait and/or an environmental or toxicological end-point and meet certain criteria. (22 California Code of Regulations (C.C.R.) §69502.2)
    b) Requires, pursuant to regulation, DTSC to consider various factors when identifying and implementing regulatory responses for priority products, such as public health and environmental protection. (22 C.C.R. §69506)

8) Requires DTSC to adopt regulations to establish a process to evaluate chemicals of concern and potential alternatives to those chemicals of concern to determine how to best limit exposure or to reduce the level of hazard posed by a chemical of concern and potential regulatory responses that DTSC may take after the alternatives analysis is completed. Specifies, but does not limit, regulatory responses that DTSC can take, ranging from no action, to a prohibition of the chemical in the product. (HSC §25253)

9) Under the California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): (HSC §25249)

a) Prohibits a person, in the course of doing business, from knowingly discharging or releasing a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water.
b) Prohibits a person, in the course of doing business, from knowingly and intentionally exposing any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual.
c) Requires the Governor to publish a list of chemicals known to cause cancer or reproductive toxicity and to annually revise the list.

This bill:

1) Defines "food packaging" to mean a nondurable package, packaging component, or food service ware that is intended to contain, serve, store, handle, protect, or market food, foodstuff, or beverages, and is comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers.

2) Defines "intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS" to mean either of the following:
   a) The presence or use of PFAS in a product or product component that has a functional or technical effect in the product or product component; or**,**

   b) The presence of PFAS in a product or product component at or in exceedance of 100 parts per million (ppm), as measured in total organic fluorine.

3) Defines "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" to mean a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom.

4) Prohibits, commencing on January 1, 2023, a person from distributing, selling, or offering for sale in the state any food packaging that contains intentionally added PFAS.

5) Requires a manufacturer to use the least toxic alternative when replacing PFAS chemicals in products in food packaging.

6) Defines "cookware" to mean durable houseware items that are used in homes and restaurants to prepare, dispense, or store food, foodstuff, or beverages.

7) Defines "designated list" to mean the list of chemicals identified as candidate chemicals that exhibit a hazard trait or an environmental or toxicological endpoint that meets the criteria specified in regulations adopted by the Department of Toxic Substances Control (DTSC) pursuant to the Safer Consumer Products (Green Chemistry) statute, and is published on DTSC's internet website pursuant to those regulations.

8) Defines "intentionally added chemical" to mean the presence or use of a chemical in a product or product component that has a functional or technical effect.

9) Defines "manufacturer" to mean a person or entity who manufactures cookware and whose name appears on the product label; and, a person or entity who the cookware is manufactured for or distributed by, identified by the product label pursuant to the federal Fair Packaging and Labeling Act.

10) Requires a manufacturer of cookware sold in the state that contains one or more intentionally added chemicals present on the designated list in the handle of the product or any surface that comes into contact with food or beverages to:

    a) Commencing on January 1, 2024, include on the product label a list of those chemicals introduced by the phrase "This product contains:" as well as a statement, in both English and Spanish, that reads: "For more ingredient information about chemicals in this product, visit" followed by both of the following:
        i) An address for an internet web page; and,
        ii) A quick response (QR) code or other machine readable code that links to a web page that provides the information specified in this bill.

    b) Ensure that the statements required on the product label are visible and legible to the consumer, including on the product listing for online sales. Cookware that meets the following requirements is exempt from the physical label requirements:
        i) The surface area of the product cannot fit a product label of at least two square inches;
        ii) The cookware does not have an exterior container, wrapper, tag, or other attachment on which a product label can be affixed.

    c) Commencing on January 1, 2023, post on the internet website for the cookware all of the following:

i) A list of all chemicals in the cookware that are also present on the designated list;
ii) The names of the authoritative list or lists referenced by DTSC in compiling the designated list on which each chemical in the cookware is present; and,
iii) A link to the internet website for the authoritative list or lists.

11) Prohibits, commencing on January 1, 2023 on the internet website for the cookware, and on January 1, 2024 on the cookware package, a manufacturer of cookware sold in the state from making a claim that the cookware is free of any specific chemical if the chemical belongs to a chemical group or class identified on the designated list, unless no individual chemical from that chemical group or class is intentionally added to the cookware.

12) Prohibits a person from selling, offering for sale, or distributing in the state cookware that does not comply with the labeling and disclosure provisions in this bill.

**Background**

1) *Perfluoroalkyl and polyfluoroalkyl substances, also known as PFAS chemicals.* PFAS chemicals are a man-made class of chemicals that have been used widely in industrial and consumer product applications since the 1940s. Usually they are used as surface coatings and protectants due to their unique ability to repel water, dirt, oil and grease. As a result, PFAS chemicals can be found in consumer products including carpets, clothing, furniture upholstery, paper packaging for food, and other materials (e.g., cookware) that are designed to be waterproof, stain-resistant, or non-stick. They are also very stable, which makes them useful in manufacturing applications because they can withstand high heat and create durable products. What gives them their stability is their defining bond between carbon and fluorine, which is one of the strongest bonds known in organic chemistry. However, this stability also makes PFAS chemicals extremely difficult to break down. They are so persistent in the environment that they are sometimes referred to as "forever chemicals."

   As of September 2020, over 9,000 PFAS chemicals were included in the US EPA's Master List of PFAS Substances, and there are likely more that are unknown. Due to the large number of chemicals included, PFAS chemicals have a wide range of chemical properties and uses. DTSC has divided PFAS Chemicals into four categories: perfluoroalkyl acids (PFAAs), PFAA precursors that can eventually degrade into PFAAs, perfluoropolyethers (PFPEs), and fluoropolymers.

PFAAs have been the most studied and regulated. They can be divided further into long-chain and short-chain PFAAs. Long-chain PFAAs include perfluorooctanesulfonic acid (PFOS), which was formerly used in Scotchgard™, and perfluorooctanoic acid (PFOA), which was used to make Teflon. Both were discovered to be extremely persistent in the environment and cause significant health issues. As long-chain PFAAs have been phased out, short-chain PFAAs have been substituted in their place.

2) *Health impacts of PFAS*. PFAS chemicals are persistent in the environment – meaning they don't break down – many also accumulate and persist in the human body, in protein-rich tissues such as blood, liver, brain, kidney, lung, and muscle. Several PFAS chemicals have been linked with several adverse health effects, including pregnancy-induced hypertension/pre-eclampsia, liver damage, increased cholesterol, increased risk of thyroid disease, decreased antibody response to vaccines, increased risk of asthma diagnosis, increased risk of decreased fertility, and small decreases in birth weight.

3) *Exposure to PFAS*. The main route of exposure to PFAS is through ingestion, by eating or drinking contaminated food or liquid or swallowing contaminated household dust. Environmental exposure through air and drinking water has become an increasing concern due to the persistence and accumulation of PFAS chemicals like PFAAs in the environment. Groundwater contamination typically has been associated with industrial facilities where these chemicals were manufactured or used in products like firefighting foam, or in areas near landfills that accept items containing PFAS. Because of their presence and persistence in the environment, exposure to PFAS chemicals can continue decades after their release. Nationwide biomonitoring results indicate that nearly all Americans carry trace amounts of PFAS in their bodies.

   In regards to food packaging, according to DTSC, "PFASs can migrate from food packaging into the packaged food, with migration rates dependent on the temperature, acidity, storage time, and fat content of the food. Used PFAS-treated food packaging products are sometimes composted, releasing PFASs into the compost. When used food packaging is sent to a landfill, the PFASs can migrate into landfill leachate, contaminating surface waters and the surrounding environment. When applied to soil as fertilizers, biosolids from wastewater treatment plants that treat PFAS-contaminated landfill leachate can contaminate drinking water sources and food crops. Recycled products made from PFAS-treated paper, paperboard, and molded fiber food packaging can also be a source of PFAS exposure. Harmful PFAS combustion products may also be released when these products are incinerated."

4) *State Regulatory Action of PFAS*. Under DTSC's Safer Consumer Products (SCP) Program, all PFAS chemicals are Candidate Chemicals and plant-based food packaging containing PFAS is a proposed Priority Product. A Priority Product is a consumer product identified by DTSC that contains one or more Candidate Chemicals that have a hazard trait that can harm people or the environment. Additionally, the California state Legislature passed a bill last year, SB 1044 (Allen, Chapter 308, Statutes of 2020), prohibiting PFAS in firefighting foam.

   Several other states have taken action on PFAS in food packaging. New York enacted legislation in December 2020, which prohibits, commencing December 31, 2022, a person from distributing, selling, or offering for sale in New York any food packaging containing PFAS substances as intentionally added chemicals. Washington State enacted similar legislation in 2018. However, the prohibitions in their bill do not take effect until the Washington Department of Ecology identifies that safer alternatives are available. On March 8, 2021, Washington announced that, based on the availability of safer alternatives, PFAS in four types of food packaging (wraps and liners, plates, boats, pizza boxes) will be banned as of February 2023. At least 11 other states have passed or have introduced legislation either limiting or prohibiting PFAS in food packaging.

5) *Federal response to PFAS*. In May 2016, the US EPA issued a lifetime health advisory for PFOS and PFOA for drinking water, advising municipalities that they should notify their customers of the presence of combined PFOS and PFOA levels over 70 parts per trillion (ppt) in community water supplies. The US EPA's health advisories provide technical information to states' agencies and other public health officials, however they are non-enforceable, and non-regulatory. In 2019, the US EPA released their formal PFAS Action Plan describing long- and short-term actions planned to evaluate whether and how to regulate PFAS under various federal programs, but does not set forth any regulatory measures. The US EPA is currently working to establish maximum contaminant levels (MCLs), health-protective drinking water standards to be met by public water systems, under the Safe Drinking Water Act (SDWA) for PFAS, and to designate PFAS chemicals as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). The US EPA is also reviewing a Toxicity Assessment for PFAS.

   Federal regulations specify which PFAS chemicals are allowed in food contact materials. According to the Discussion Draft, through its Food Contact

Notification (FCN) process, the federal Food and Drug Administration (FDA) has approved 17 distinct PFAS formulations for use in plant fiber-based food packaging applications. Additionally, one PFAS chemical is allowed to be used in food packaging pursuant to the Code of Federal Regulations list of indirect additives.

6) *Voluntary phase-out of certain PFAS in food packaging*. In July 2020, FDA announced a voluntary phase-out by industry of a certain short-chain PFAS that contain 6:2 fluorotelomer alcohol (6:2 FTOH), which may be found in certain food contract substances used as grease-proofing agents on paper and paperboard food packaging. This phase-out comes in the wake of recent studies indicating the potential that 6:2 FTOH may accumulate in humans from chronic dietary exposure. Three manufacturers have agreed to a 3-year phase-out of their sales of compounds that contain 6:2 FTOH in the US marketplace to be completed by 2024.

   Several major U.S. food retailers have also shifted, or have committed to shifting, to PFAS-free food packaging. For example, in December 2018, Whole Foods Market removed PFAS-containing food and bakery packaging from its stores. In January 2020, Taco Bell committed to globally phasing out all PFAS in "consumer-facing packaging materials" by 2025. McDonald's has also committed to remove all added fluorinated compounds from their "guest packaging materials" globally by 2025. Albertsons, the second-largest grocery chain in the United States, Panera Bread, and Chipotle have initiated efforts to eliminate PFAS from their food packaging.

7) *Regulating PFAS as a class.* The policy of regulating PFAS chemicals as a class has been contested among industry, regulators, and scientists. Following the publication of several papers arguing for the scientific basis for managing PFAS as a chemical class, industry researchers published a comment in the scientific journal *Environmental Science & Technology Letters*, suggesting, "Before a class-based approach for PFAS…is adopted, the process should follow the well-justified path of previous regulatory actions and rely on an extensive scientific evaluation of each PFAS subgroup and compounds within."

   DTSC scientists acknowledge that there are many different types of PFAS chemicals, but despite the differences between them, DTSC has adopted the rationale for treating them as a class. In an article entitled "Regulating PFAS as a Chemical Class under the California Safer Consumer Products Program" published in *Environmental Health Perspectives* in February 2021, DTSC scientists argue, "Based on the currently available science, we have concluded

that it is both ineffective and impractical to regulate this complex class of chemicals with a piecemeal approach…In the case of PFAS, we believe that all members of the class have a potential for significant and widespread adverse impacts due to their extremely high environmental persistence, coupled with growing evidence for human and ecological health hazards for impurities, metabolites and degradation products of the subset commonly used in consumer products."

8) *Chemicals in cookware*. Fluoropolymer coatings are commonly applied to cookware to give it an anti-stick surface, with Teflon being one of the most well-known of these non-stick chemicals. The main chemical in Teflon currently is the chemical polytetrafluoroethylene (PTFE), which is a polymer form of PFAS. According to the Minnesota Pollution Control Agency (MCPA), when heated to high temperatures, PTFE can start to break down and release toxic fumes, which can be hazardous to both humans and pets (especially birds). Until 2013, Teflon was produced using PFOA, a chemical that has been linked to a number of health conditions and is now present in most people's blood. Although several non-stick cookware brands currently claim to be PFOA-free or Teflon-free, they may have been made with other fluoropolymers with similar properties, and therefore with similar concerns as PFOA.

   The author's office points to a December 2020 report by The Ecology Center titled, "What's Cooking? PFAS and Other Chemical Hazards in Nonstick Cooking and Baking Pans" (cookware report) as justification for the cookware provisions in the bill. For the cookware report, researchers tested 14 nonstick cooking pans and 10 nonstick baking pans to identify their coatings, choosing cookware that represented a range of brands and prices. The sample drew from 10 popular retailers, including discount "dollar" stores and top cookware brands as identified by Consumer Reports Magazine. Testing by the Ecology Center found that 79% of tested nonstick cooking pans and 20% of tested nonstick baking pans were coated with PTFE (polytetrafluoroethylene), best known by the brand name Teflon. The report notes that PTFE pan coatings have been known to release hazardous chemicals into the air when heated to temperatures in exceedance of 400-500 °F, which are temperatures that occur when stove burners are set too high. The cookware report also noted that some labels on cookware make the marketing claim "PFOA free," which refers to one specific PFAS chemical, despite the fact that the cookware may contain PTFE or other PFAS chemicals. The Ecology Center testing also revealed the presence of bisphenol A (BPA), a known hormone disruptor, in the non-stick coating of 3 of the 24 products tested.

In addition to the potential exposure of consumers to chemicals in their cookware, The Ecology Center raises life cycle concerns related to PFAS chemicals in cookware. The cookware report notes that production and manufacturing of PFAS chemicals and products with PFAS can expose workers and the environment, and that the landfilling, recycling, or incineration of products with PFAS present potential opportunities for entering landfill leachate or gradually seeping into groundwater.

9) *DTSC candidate chemicals*. DTSC developed an informational list of ~3,200 Candidate Chemicals to identify potential Chemicals of Concern in Priority Products. The DTSC evaluates for certain adverse impacts and exposure criteria. A Candidate Chemical must exhibit a hazard trait and/or an environmental or toxicological endpoint.

**Comments**

1) *Purpose of Bill.* According to the author, "AB 1200 would ban the use of intentionally added PFAS from plant-based food packaging, require cookware manufacturers to attach a disclosure label if certain chemicals are found in their cookware, and require truth in advertising when marketing cookware to be free of certain chemicals. Dangerous chemicals should not be wrapped around our food or leaching into our food from our pots and pans at home. By passing AB 1200, California can assess chemicals that our families are ingesting so that they cannot further damage our health and the environment."

2) *Bypassing the Safer Consumer Products Program*. PFAS in food packaging is a proposed priority product in DTSC's Safer Consumer Products Program. However, a 2018 report by the Public Health Institute, *California's Green Chemistry Initiative at Age 10: An Evaluation of its Progress and Promise*, evaluating the program, noted that the pace of implementation of the SCP program has been slow and DTSC has unclear authority to collect necessary information on chemicals in products. After twelve years of the program, DTSC has issued 2 priority product work plans as well as 1 draft, adopted 3 priority product-chemical combinations, proposed 8 more, and released an alternatives analysis guideline. However, not a single chemical has made it through the third stage of the SCP framework to enacting a regulatory response.

Several bills over the last decade have taken a similar approach as AB 1200 in bypassing SCP. Since the Green Chemistry program (later SCP) was first established at DTSC in 2008, bills such as AB 1319 (Butler, Chapter 467, Statutes of 2011) banning BPA in toddler sippy cups and bottles, AB 929

(Pavley, Chapter 313, Statutes of 2010) banning jewelry with up to a certain level of cadmium, and AB 2998 (Bloom, Chapter 924, Statutes of 2018) banning the use of flame retardant chemicals in juvenile products have bypassed DTSC's regulatory action to ensure a speedier response to these harmful chemicals. DTSC, in fact, wrote in support of AB 1319 (Butler) stating, "DTSC does not believe that the regulations should ever be viewed as excluding action that the Legislature might take to address specific product related concerns that are brought to its attention."

3) *Avoiding regrettable substitutions*. Water and grease-proofing serves a necessary function in food packaging. Therefore, if PFAS is banned, industry will need substitute(s) to achieve the same effect.

One of the reasons why PFAS is treated as a class is because if one chemical is banned, it could just be replaced by one that is chemically similar and has the same health impacts. For example, this happened when BPA was banned in beverage containers under AB 1319 (Butler, 2011), but did not prohibit manufacturers for replacing it with bisphenol S of bisphenol F, which appear to exhibit the same endocrine-disrupting behavior.

It is essential that when toxic or potentially harmful chemicals are phased out of products, they are not simply replaced by another harmful type of chemical. AB 1200 includes a provision that requires a manufacturer to use the least toxic alternative when replacing PFAS chemicals in food packaging. However, for some products it remains unclear what the best alternatives are. Washington State is undergoing Alternatives Assessments (AAs) for PFAS in food packaging. So far they have found the following PFAS alternatives:

- Wax-coated options for wraps and liners
- Clay-coated and reusable options for plates
- Clay-coated and reusable options for food boats
- Uncoated options for pizza boxes

These alternatives could also be adopted in California. However, the Washington State Department of Ecology report to the Washington State legislature explains that there was insufficient information available to find safer alternatives to six other products: bags and sleeves, bowls, trays, french fry cartons, clamshells, and interlocking folded containers. Additional alternatives will need to be determined for these products as well.

4) *Labeling requirements on cookware*. Consumer products are already subject to Proposition 65 labeling requirements for over 1,000 chemicals known to cause cancer, birth defects, or other reproductive harm, including PFOA and PFOS.

Several "Right to Know" labeling laws have been passed in the last few years in California to ensure that consumers are aware of other potentially harmful ingredients in a number of products, including cleaning products (SB 258, Lara, Chapter 830, Statutes of 2017), menstrual products (AB 1989, Garcia, Chapter 272, Statues of 2020), and perfume (SB 312, Leyva, Chapter 315, Statutes of 2020).

AB 1200 would continue that trend with cookware, requiring manufacturers to include a product label statement if the product contains one or more intentionally added chemicals present on DTSC's candidate chemical list.

5) *Clarifying definition of intentionally added*. The current definition of "intentionally added" PFAS in the bill is either of the following:

*(A) The presence or use of PFAS in a product or product component that has a functional or technical effect in the product or product component.*
*(B) The presence of PFAS in a product or product component at or above 100 parts per million, as measured in total organic fluorine.*

While this definition is consistent with CalRecycle's proposed state regulations on PFAS for the Sustainable Packing Act of 2018 (14 C.C.R. §17989.2), the opposition has raised questions about the use of the word "intentionally-added" along with the use of the word "presence," which may lead to some confusion.

Also, the definition of "intentionally added chemical" in the cookware portion of the bill is *"the presence or use of a chemical in a product or product component that has a functional or technical effect in the product or product component,"* which is slightly different from a definition of "intentionally added ingredient" used in another "right to know" law AB 258 (Lara, Chapter 830, Statutes of 2017).

***To further clarify these definitions, the committee may wish to consider amending the bill to change "intentionally-added" to "prohibited" and make part (A) of the definition of "prohibited PFAS" and "intentionally added chemical" consistent with the definition of "intentionally added ingredient" from AB 258 (Lara, Chapter 830, Statutes of 2017).***

**Related/Prior Legislation**

AB 652 (Friedman, 2021) would prohibit the sale and distribution of juvenile products that contain intentionally added PFAS. AB 652 is currently before the Senate Environmental Quality Committee.

SB 502 (Allen, 2021) would update and reform California's Green Chemistry program, including creating a streamlined alternatives analysis process and requiring manufacturers to provide data on a consumer product's ingredients to DTSC upon request, among other things. SB 502 was moved to the Senate Inactive File.

SB 1044 (Allen, Chapter 308, Statutes of 2020) prohibits the manufacture, sale, distribution, and use of firefighting foam containing PFAS chemicals, with some exceptions, and requires notification of the presence of PFAS in the protective equipment of firefighters.

SB 1056 (Portantino, 2020) would have required the State Water Board to establish an analytical laboratory method that can be used as a tool to assess the extent of PFAS contamination in drinking water, surface water, groundwater, and wastewater. SB 1056 was held in the Senate Environmental Quality Committee.

AB 958 (Ting, 2018) would have required a manufacturer of food packaging or cookware sold in the state to visibly disclose on an exterior location of the food packaging or cookware packaging a specified statement relating to the presence of PFAS in the product. AB 958 was held on the Senate Floor.

**SOURCE:** Breast Cancer Prevention Partners; Center for Environmental Health; Clean Water Action; Environmental Working Group; Natural Resources Defense Council

**SUPPORT:**

5 Gyres Institute, the
Alliance of Nurses for Healthy Environments
American Academy of Pediatrics, California
American College of Obstetricians and Gynecologists District Ix
Association of California Water Agencies (ACWA)
Ban Single Use Plastic (SUP)
Black Women for Wellness Action Project
Breast Cancer Action
Breast Cancer Over Time
Breast Cancer Prevention Partners
CA Coalition for Clean Air
California Alliance of Nurses for Healthy Environments
California Association of Sanitation Agencies
California Health Coalition Advocacy
California Healthy Nail Salon Collaborative

California Municipal Utilities Association
California Product Stewardship Council
Californians Against Waste
Calpirg
Center for Community Action & Environmental Justice
Center for Community Action and Environmental Justice
Center for Environmental Health (CO-SPONSOR)
Center for Food Safety; the
Center for Oceanic Awareness, Research, & Education
Center for Oceanic Awareness, Research, and Education, the
Center for Public Environmental Oversight
City/county Association of Governments of San Mateo County
Clean Production Action
Clean Water Action (CO-SPONSOR)
Compost Manufacturing Alliance
Consumer Attorneys of California
Consumer Federation of California
Consumer Reports
Consumer Reports Advocacy
Courage California
Defend Our Health (formerly Environmental Health Strategy Center)
East Bay Municipal Utility District
Educate. Advocate.
Educate.advocate.
Environmental Working Group (CO-SPONSOR)
Erin Brockovich Foundation
Facts: Families Advocating for Chemical & Toxins Safety
Families Advocating for Chemical and Toxics Safety
Friends Committee on Legislation of California
Friends of The Earth
Friends of The Earth U.s.
Heal the Bay
Integrated Resource Management
Just Transition Alliance
Keep a Breast
Los Angeles County Sanitation Districts
Made Safe
Marin Sanitary Service
Michael J Fox Foundation
National Stewardship Action Council
Natural Resources Defense Council (CO-SPONSOR)
Natural Resources Defense Council (NRDC)
Northern California Recycling Association
Orange County Water District

Pacoima Beautiful
Plastic Oceans International
Plastic Pollution Coalition
Recology
Repurpose, INC.
Resource Recovery Coalition of California
Rethink Disposable
Safer States
San Francisco Bay Area Physicians for Social Responsibility
San Francisco Bay Physicians for Social Responsibility
San Francisco Baykeeper
Save Our Shores
Save the Albatross Coalition
Science and Environmental Health Network
Seventh Generation Advisors
Sierra Club California
Social Compassion in Legislation
The 5 Gyres Institute
The Center for Oceanic Awareness, Research, and Education
Upstream
Wishtoyo Chumash Foundation
Women's Voices for The Earth
Womens Voices for The Earth
Woodland Coalition for Green Schools
Worksafe
Zero Waste USA

**OPPOSITION:**

American Chemistry Council
American Forest & Paper Association
Association of Home Appliance Manufacturers
California Chamber of Commerce
California Manufacturers & Technology Association
California Restaurant Association
California Retailers Associaiton
Chemical Industry Council of California
Foodservice Packaging Institute

**ARGUMENTS IN SUPPORT:** A joint letter from the co-sponsors of this bill argues, regarding PFAS, "The growing and international public, medical, scientific and political concerns about PFAS pollution have risen to unprecedented heights and have recently become

> even more pointed due to reports that PFAS may reduce the immune system's response to vaccinations, as we cope with a worldwide pandemic. Federal regulation of food packaging and cookware is woefully inadequate, allowing hazardous chemicals to be used in these products. The result of this failure is that people and the environment are exposed to hazardous chemicals when food packaging and cookware products are manufactured, used, and thrown away (or recycled)."

And regarding cookware labeling, "With no federal requirements for any disclosure of chemicals in cookware, consumers are left in the dark and face a plethora of confusing claims, some of which are misleading or inaccurate, particularly when it comes to non-stick surfaces… This lack of transparency leaves the public to potentially and unwittingly expose themselves to hazardous chemicals. For example, pans may off-gas chemicals when pans are subject to high heat, or pans may expose a consumer to hazardous coatings that are scratched or peeling. Chemicals of concern in cookware may also contribute to pollution both upstream in the manufacturing process and downstream in the disposal phase."

**ARGUMENTS IN OPPOSITION:** A joint letter from 9 representatives of manufacturers and retailers argues, regarding PFAS, "DTSC has already spent time and resources in its proposed listing of one or more plant fiber-based food packaging PFAS substances as Priority Products under the Safer Consumer Products (SCP) regulations… According to a timeline of upcoming activities released by DTSC in March 2021 final regulations for this particular priority product is expected this year… The bill also creates a fast-track for when existing high-quality studies overwhelmingly support DTSC moving quickly to a regulatory response to protect public health."

And regarding cookware labeling, "The inclusion of the phrase "*cookware includes, but is not limited to*" creates regulatory uncertainty for manufacturers in assessing whether their products are subject to these requirements. These questions would normally be clarified via a regulatory process administered by an appropriate state agency but no such process exists in this bill. We believe certainty is necessary so that manufacturers have a clear understanding of the products subject to any disclosure requirements."

**-- END --**