

SENATE No. 1494

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 relative to chemicals in food packaging.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/16/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/23/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/24/2021</i>
<i>Jessica Ann Giannino</i>	<i>16th Suffolk</i>	<i>3/1/2021</i>
<i>John C. Velis</i>	<i>Second Hampden and Hampshire</i>	<i>3/1/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/19/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>4/13/2021</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>4/13/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>4/15/2021</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>6/9/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>6/9/2021</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>6/9/2021</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>6/9/2021</i>
<i>Diana DiZoglio</i>	<i>First Essex</i>	<i>6/9/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>6/9/2021</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>6/9/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>6/9/2021</i>

<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>6/10/2021</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>6/28/2021</i>
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>6/28/2021</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>7/12/2021</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>8/16/2021</i>

SENATE No. 1494

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1494) of Michael O. Moore, Jack Patrick Lewis, Lindsay N. Sabadosa, Brian W. Murray and other members of the General Court for legislation relative to chemicals in food packaging. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1315 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to chemicals 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. Whereas, perfluoroalkyl and polyfluoroalkyl substances, known as PFAS,
2 are highly persistent chemicals that are transported long distances in the environment; and

3 Whereas, manufacturers in the United States have voluntarily worked to reduce releases
4 of long-chain PFASs due to their toxic effects on human health; and

5 Whereas, the PFAS with fewer than 8 carbon-fluorine bonds currently being used as
6 alternatives to perfluorooctanoic sulfonate, known as PFOA, and perfluorooctanoic acid, known
7 as PFOS, are also highly persistent and subject to long-range transport and have similar potential
8 for harm as the long-chain PFAS; and

9 Whereas, 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; and

13 Whereas, food packaging, contains PFAS in order to resist grease and other fats from
14 sticking to the paper packaging; and

15 Whereas, alternatives are already in use in food packaging.

16 Resolved, that the policy goals of this act shall be to limit exposure of residents of the
17 Commonwealth to PFAS through food packaging.

18 SECTION 2. Chapter 94B of the General Laws, as appearing in the 2018 Official
19 Edition, is hereby amended by inserting after Section 10 the following section:-

20 Section 11. (a) As used in this section, the following words shall have the following
21 meanings:-

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

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

27 "Package", a container providing a means of marketing, protecting, or handling a product
28 which shall include a unit package, an intermediate package, a shipping container and unsealed

29 receptacles such as carrying cases, crates, cups, pails, rigid foil and other trays, wrappers and
30 wrapping films, bags, and tubs.

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

34 "Perfluoroalkyl and polyfluoroalkyl substances", a class of fluorinated organic chemicals
35 containing at least one fully fluorinated carbon atom.

36 (b) No person or entity shall manufacture, knowingly sell, offer for sale, distribute for
37 sale, or distribute for use in the commonwealth food packaging to which perfluoroalkyl and
38 polyfluoroalkyl substances have been intentionally added in any amount.

39 (c) A certificate of compliance stating that a package or packaging component is in
40 compliance with the requirements of this act shall be furnished by its manufacturer or supplier to
41 its purchaser. The certificate of compliance shall be signed by an authorized official of the
42 manufacturing or supplying company. The purchaser shall retain the certificate of compliance for
43 as long as the package or packaging component is in use. A copy of the certificate of compliance
44 shall be kept on file by the manufacturer or supplier of the package or packaging component.
45 Certificates of compliance, or copies thereof, shall be furnished to the department of public
46 health upon request and to members of the public in accordance with section 9.

47 If the manufacturer or supplier of the package or packaging component reformulates or
48 creates a new package or packaging component, the manufacturer or supplier shall provide an
49 amended or new certificate of compliance for the reformulated or new package or packaging
50 component.

51 SECTION 3. Subsection (b) of section 2 shall take effect on January 1, 2023.

52 SECTION 4. Subsection (c) of said section 2 shall take effect 90 days after the effective

53 date of this act.