

ASSEMBLY, No. 3350

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 25, 2020

Sponsored by:

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District 18 (Middlesex)

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District 18 (Middlesex)

SYNOPSIS

Directs DEP to study and, if necessary, regulate perfluoroalkyl and polyfluoroalkyl substances in food packaging.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2021)

1 **AN ACT** concerning the use of perfluoroalkyl and polyfluoroalkyl
2 substances in food packaging and supplementing P.L.1991, c.520
3 (C.13:1E-99.44 et seq.).

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. a. No later than 18 months after the effective date of
9 P.L. , c. (C.) (pending before the Legislature as this bill),
10 the Department of Environmental Protection shall:

11 (1) conduct a study to assess each application of a PFAS
12 chemical in food packaging and determine whether a safer
13 alternative to the chemical is available for each assessed
14 application; and

15 (2) publish its findings in the New Jersey Register and submit a
16 report containing its findings to the Senate Environment and Energy
17 Committee and the Assembly Environment and Solid Waste
18 Committee, or their successors, and the Legislature pursuant to
19 section 2 of P.L.1991, c.164 (C.52:14-19.1).

20 b. To determine whether there is a safer alternative to a specific
21 application of a PFAS chemical in food packaging, the department
22 shall conduct an alternatives assessment that:

23 (1) evaluates less toxic chemicals and nonchemical alternatives
24 to replace the use of the PFAS chemical in food packaging;

25 (2) follows the guidelines for alternatives assessments issued by
26 the Interstate Chemicals Clearinghouse; and

27 (3) includes, at a minimum, an evaluation of chemical hazards,
28 exposure, performance, cost, and availability.

29 c. If the department finds that there is a safer alternative to a
30 specific application of a PFAS chemical in food packaging, the
31 department shall, no later than 18 months after publication of its
32 findings in the New Jersey Register pursuant to paragraph (2) of
33 subsection a. of this section, adopt rules and regulations, pursuant to
34 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1
35 et seq.), prohibiting the manufacture, sale, offer for sale,
36 distribution for sale, or distribution for use in the State of any food
37 packaging utilizing the specific application of the PFAS chemical,
38 and requiring use of the safer alternative.

39 d. If the department finds that there is no safer alternative to a
40 specific application of a PFAS chemical in food packaging,
41 beginning three years after publication of its findings in the New
42 Jersey Register pursuant to paragraph (2) of subsection a. of this
43 section, and every three years thereafter, as necessary, the
44 department shall reassess the specific application of the PFAS
45 chemical in food packaging to determine whether a safer alternative
46 exists, and publish its findings in the New Jersey Register. If, after
47 any such review, the department finds that there is a safer

1 alternative, it shall adopt rules and regulations as required pursuant
2 to subsection c. of this section.

3 e. As used in this section:

4 “Food packaging” means a package or packaging component that
5 is intended for direct food contact and is comprised, in substantial
6 part, of paper, paperboard, or other materials originally derived
7 from plant fibers.

8 “Perfluoroalkyl and polyfluoroalkyl substances” or “PFAS
9 chemical” means, for the purposes of food packaging, a class of
10 fluorinated organic chemicals containing at least one fully
11 fluorinated carbon atom.

12 “Safer alternative” means an alternative substance or chemical,
13 demonstrated by an alternatives assessment, that meets improved
14 hazard and exposure considerations and which can be practicably
15 and economically substituted for the original chemical.

16
17 2. This act shall take effect immediately.

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20 STATEMENT

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22 This bill would direct the Department of Environmental
23 Protection (DEP) to study and, if necessary, regulate perfluoroalkyl
24 and polyfluoroalkyl substances (PFAS chemicals) in food
25 packaging.

26 Specifically, under the bill, the DEP would be required to
27 conduct a study to assess each application of a PFAS chemical in
28 food packaging and determine whether a safer alternative to the
29 PFAS chemical is available for each assessed application. The DEP
30 would be required to publish its findings in the New Jersey Register
31 and submit a report to the Legislature and the appropriate legislative
32 committees. To determine whether there is a safer alternative to a
33 specific application of a PFAS chemical in food packaging, the
34 DEP would be required to conduct an alternatives assessment that:
35 (1) evaluates less toxic chemicals and nonchemical alternatives to
36 replace the use of the PFAS chemical; (2) follows the guidelines for
37 alternatives assessments issued by the Interstate Chemicals
38 Clearinghouse; and (3) includes, at a minimum, an evaluation of
39 chemical hazards, exposure, performance, cost, and availability.

40 Under the bill, if the DEP finds that there is a safer alternative to
41 a specific application of a PFAS chemical in food packaging, it
42 would be required to adopt rules prohibiting the manufacture, sale,
43 offer for sale, distribution for sale, or distribution for use in the
44 State of any food packaging utilizing the specific application of the
45 PFAS chemical, and requiring use of the safer alternative. If the
46 DEP finds that there is no safer alternative to a specific application
47 of a PFAS chemical in food packaging, beginning three years after
48 it publishes its findings in the New Jersey Register, and every three

1 years thereafter, the DEP would be required to reassess the specific
2 application of the PFAS chemical in food packaging and publish its
3 findings. If, after any review, the DEP finds that there is a safer
4 alternative, it would be required to adopt rules as described above.

5 Any person who violates the bill would be subject to the
6 penalties for a violation of the “Toxic Packaging Reduction.”