

AMENDED IN ASSEMBLY AUGUST 21, 2008

AMENDED IN ASSEMBLY AUGUST 13, 2008

AMENDED IN ASSEMBLY JUNE 19, 2008

AMENDED IN SENATE APRIL 29, 2008

AMENDED IN SENATE APRIL 10, 2008

AMENDED IN SENATE MARCH 28, 2008

SENATE BILL

No. 1313

Introduced by Senator Corbett

February 20, 2008

An act to add Chapter 12 (commencing with Section 108940) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1313, as amended, Corbett. Product safety: perfluorinated compounds.

Existing law prohibits the manufacture, processing, and distribution in commerce of any product contact substance containing certain chemicals found to raise health risks, including polybrominated diphenyl ethers.

This bill would, commencing January 1, 2010, prohibit the manufacture, sale, or distribution of any food contact substance, as defined, that contains perfluorinated compounds, as defined, in any concentration exceeding 10 parts per billion.

~~This bill would also require manufacturers to use the least toxic alternatives when replacing perfluorochemicals or their precursors and~~

prohibit manufacturers from replacing perfluorinated compounds with certain carcinogens and reproductive toxins.

Existing law requires the State Department of Public Health, in collaboration with the California Environmental Protection Agency, to establish the California Environmental Contaminant Biomonitoring Program to monitor the presence and concentration of designated chemicals, as defined, in Californians.

The bill would declare the intent of the Legislature that, when California develops a comprehensive system for reviewing chemicals of concern, perfluorohexanoic acid (PFHxA) should be evaluated.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Perfluorochemicals (PFCs) and their precursors have been
4 used in the manufacture of stain- and grease-proof coatings for a
5 wide variety of consumer products for more than half a century,
6 and are now found in human blood and wildlife worldwide.

7 (b) PFCs and precursor chemicals that break down into PFCs
8 in the body, wildlife, or the environment are used as food contact
9 substances that represent potential sources of dietary exposure to
10 these chemicals.

11 (c) Recent studies have demonstrated the presence of two
12 particular perfluorochemicals, perfluorooctane sulfonate (PFOS)
13 and perfluorooctanoic acid (PFOA), in more than 98 percent of
14 Americans' blood, and 100 percent of 293 newborns surveyed.

15 (d) PFOA is considered by the federal Environmental Protection
16 Agency (EPA) Science Advisory Board to be a likely carcinogen
17 and is considered a chemical that induces breast tumors in animals.
18 In addition, PFOA and PFOS have been linked to problems in
19 pregnancy, including developmental complications.

20 (e) Federal Food and Drug Administration (FDA) scientists note
21 that food packaging represents the worst-case scenario for PFCs
22 to migrate into food. In one FDA study, food packaging released
23 several hundred times more PFCs than did cookware coated with
24 substances like Teflon.

1 (f) The EPA has established a voluntary phase-out of certain
2 perfluorochemicals, including PFOA, that will go into effect in
3 2015. PFOS was removed from the market by the only United
4 States manufacturer under pressure by the EPA in 2001.

5 (g) It is in the best interest of California to eliminate the presence
6 of dangerous perfluorochemicals and their precursors in food
7 packaging, as soon as reasonably possible.

8 (h) Perfluorohexanoic acid (PFHxA) has been found in the blood
9 of children and in water that has been tested. This chemical never
10 breaks down in the environment, and is toxic to humans. It is in
11 the interest of the State of California to assess potentially harmful
12 chemicals, including PFHxA, and restrict the use of those
13 chemicals if they are found to be unsafe.

14 SEC. 2. Chapter 12 (commencing with Section 108940) is
15 added to Part 3 of Division 104 of the Health and Safety Code, to
16 read:

17
18 CHAPTER 12. PERFLUOROCHEMICALS (PFCs)

19
20 108940. For purposes of this chapter, the following definitions
21 shall apply:

22 (a) “Food contact substance” is any substance that directly
23 contacts food, and is intended for use as a component of materials
24 used in manufacturing, packing, packaging, transporting, or holding
25 food.

26 (b) “Perfluorinated compounds” means perfluorooctanoic acid
27 (PFOA) or perfluorooctane sulfonate (PFOS), or PFOA- and
28 PFOS-homologues that differ only in the length of the fluorinated
29 carbons and contain more than six fluorinated carbon atoms, or
30 chemicals that are reasonably suspected to degrade in the
31 environment to PFOA or PFOS, or PFOA- and PFOS-homologues
32 containing more than six fluorinated carbon atoms. “Perfluorinated
33 compound” includes all acids, salts, or ionic forms of the
34 perfluorinated compounds.

35 108941. On or after January 1, 2010, no person or entity shall
36 manufacture, sell, or distribute in commerce any food contact
37 substance that contains perfluorinated compounds, in any
38 concentration exceeding 10 parts per billion (ppb).

1 ~~108942. (a) Manufacturers shall use the least toxic alternatives~~
2 ~~when replacing perfluorochemicals or their precursors in~~
3 ~~accordance with this chapter.~~

4 ~~(b)~~

5 108942. (a) Manufacturers shall not replace perfluorinated
6 compounds, pursuant to this chapter, with carcinogens rated by
7 the United States Environmental Protection Agency as A, B, or C
8 carcinogens, or substances listed as known or likely carcinogens,
9 known to be human carcinogens, likely to be human carcinogens,
10 or suggestive of being human carcinogens, as described in the
11 United States Environmental Protection Agency's "List of
12 Chemicals Evaluated for Carcinogenic Potential," or known to the
13 state to cause cancer as listed in the California Safe Drinking Water
14 and Toxic Enforcement Act of 1986 (Chapter 4 (commencing with
15 Section 116270) of Part 12) enacted by Proposition 65.

16 ~~(e)~~

17 (b) Manufacturers shall not replace perfluorinated compounds,
18 pursuant to this chapter, with reproductive toxicants that cause
19 birth defects, reproductive harm, or developmental harm as
20 identified by the United States Environmental Protection Agency
21 or listed in the California Safe Drinking Water and Toxic
22 Enforcement Act of 1986 (Chapter 4 (commencing with Section
23 116270) of Part 12).

24 108943. (a) It is the intent of the Legislature that California
25 needs a comprehensive system where regulatory agencies can
26 assess the public health impact of exposure to the myriad of
27 chemicals on the market. This assessment process should be based
28 on sound science and, in the end, should result in the prohibition,
29 regulation, or restriction of chemicals that pose a danger to human
30 health and the environment.

31 (b) It is the intent of the Legislature that, when California
32 develops a comprehensive system for reviewing chemicals of
33 concern, perfluorohexanoic acid should be evaluated.