

**Senate Bill No. 1313**

\_\_\_\_\_

Passed the Senate August 31, 2008

\_\_\_\_\_

*Secretary of the Senate*

\_\_\_\_\_

Passed the Assembly August 27, 2008

\_\_\_\_\_

*Chief Clerk of the Assembly*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2008, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_

*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

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, 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 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.

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

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

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

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

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

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

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

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

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

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

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

#### CHAPTER 12. PERFLUOROCHEMICALS (PFCs)

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

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

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

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

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

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

108943. (a) It is the intent of the Legislature that California needs a comprehensive system where regulatory agencies can assess the public health impact of exposure to the myriad of chemicals on the market. This assessment process should be based on sound science and, in the end, should result in the prohibition,

regulation, or restriction of chemicals that pose a danger to human health and the environment.

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





Approved \_\_\_\_\_, 2008

---

*Governor*