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119TH CONGRESS
2D SESSION

H. R. 9231

To amend the Federal Food, Drug, and Cosmetic Act to deem certain substances to be unsafe for use as food contact substances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2026

Ms. SCHAKOWSKY (for herself, Ms. DELAURO, Mr. JACKSON of Illinois, Ms. NORTON, Ms. BARRAGÁN, Ms. PINGREE, Mrs. WATSON COLEMAN, Mrs. DINGELL, Mr. LYNCH, and Mr. GARCÍA of Illinois) introduced the following bill; which was referred to the Committee on Energy and Commerce

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A BILL

To amend the Federal Food, Drug, and Cosmetic Act to deem certain substances to be unsafe for use as food contact substances, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''No Toxic Chemicals in Food Packaging Act of 2026''.

SEC. 2. SUBSTANCES DEEMED UNSAFE FOR USE AS FOOD CONTACT SUBSTANCES.

(a) IN GENERAL.—Section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) is amended by adding at the end the following:

"(l) SUBSTANCES DEEMED UNSAFE FOR USE AS FOOD CONTACT SUBSTANCES.—

"(1) IN GENERAL.—For purposes of this section and section 402(a)(2)(C), the following are deemed to be unsafe for use as food contact substances:

"(A) Any chemical belonging to the class of ortho-phthalates.

"(B) Any chemical belonging to the class of PFAS.

"(C) Bisphenol A, B, S, F, or AF or related compounds.

"(D) Acrolein.

"(E) Acrylamide.

"(F) BHA (tert-Butyl-4-hydroxyanisole).

"(G) Chlorinated paraffins.

"(H) 1,4-Dioxane.

"(I) Asbestos.

"(J) Benzene.

"(K) Chloroform.

"(L) Methylene chloride.

"(M) Ethylene oxide.

"(N) Formaldehyde.

"(O) Styrene polymers.

"(2) ALTERNATIVE SUBSTANCES.—In acting in response to any petition under this section to establish safety with respect to a food contact substance that the Secretary determines to be an alternative to a substance listed in paragraph (1), in addition to the criteria under subsection (c), the Secretary shall consider potential adverse effects of exposure to the substance on vulnerable populations.

"(3) DEFINITIONS.—In this subsection:

"(A) The term 'ortho-phthalates' means a class of chemicals that are non-polymeric esters of ortho-phthalic acid.

"(B) The term 'PFAS' means a perfluoroalkyl substance or a polyfluoroalkyl substance that contains at least 1 fully fluorinated methyl or methylene carbon atom.

"(C) The term 'vulnerable population' means a human population that is subject to the potential for disproportionate exposure to, or the potential for disproportionate adverse effect from exposure to, a chemical substance or mixture, including—

"(i) infants, children, and adolescents;

"(ii) pregnant women;

"(iii) the elderly;

"(iv) individuals with preexisting medical conditions;

"(v) workers who may be exposed to chemical substances and mixtures;

"(vi) residents in communities subject to disproportionate exposures; and

"(vii) members of any other appropriate population identified by the Secretary.".

(b) PRESERVATION OF STATE AND LOCAL AUTHORITY.—Section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) is amended further by adding at the end the following:

"(m) PRESERVATION OF STATE AND LOCAL AUTHORITY.—

"(1) IN GENERAL.—Nothing in this section, or any rule promulgated under this section, shall be construed to limit the authority of a State or political subdivision of a State to enact, adopt, promulgate, and enforce any law, rule, regulation, ordinance, or other measure with respect to any food additive that is in addition to, or more stringent than,

requirements established under this section, including a law, rule, regulation, ordinance, or other measure relating to—

"(A) the prohibition of the use of any substance as a food additive; and

"(B) the manufacture, distribution, sale, or use of any food containing a food additive regulated under this section.

"(2) RULE OF CONSTRUCTION REGARDING STATE AND LOCAL LAW.—No provision of this section relating to food additives shall be construed to modify or otherwise affect any action or the liability of any person under the law of any State or political subdivision of a State.

"(3) FOOD ADDITIVE DEFINED.—In this subsection, the term 'food additive' includes a food additive that is a food contact substance.".

(c) DELAYED APPLICABILITY.—Section 409(l) of the Federal Food, Drug, and Cosmetic Act, as added by subsections (a), applies beginning on the date that is 2 years after the date of enactment of this Act.

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