



May 5, 2025

The Honorable Buffy Wicks, Chair
Assembly Appropriations Committee
1021 O Street, Suite 8220
Sacramento, CA 95814

RE: AB 1148 (Sharp-Collins): Food packaging; hazardous chemicals – OPPOSE
As amended April 23, 2025
Set for Hearing, May 7, 2025

Dear Assembly Member Wicks:

The American Chemistry Council (ACC) and the undersigned organizations are writing in opposition to AB 1148 (Sharp-Collins), legislation that would impose new cost pressures on the Department of Toxic Substances Control (DTSC) to implement a new, parallel and arguably duplicative regulatory process to assess chemistries used in food packaging applications.

Fiscal Issues

AB 1148 proposes to prohibit the manufacture, distribution, or sale of any food packaging that contains “intentionally added bisphenols or ortho-phthalates at or above a limit determined by the department in regulation.” DTSC would be expected to incur new costs to conduct scientific analysis, test and evaluate the various chemistries and food packaging applications subject to the bill, undertake stakeholder outreach and initiate a formal rulemaking process.

These new costs would be in addition to the work DTSC conducts under the existing chemical management authority vested in its Safer Consumer Products (SCP) program. The SCP statute grants broad authority to the department to identify chemical/product combinations and, if warranted, impose use restrictions, including “Restrictions on the amount or concentration of the Chemical(s) of Concern or replacement Candidate Chemical(s) permitted in a product.”¹

Additionally, California Code of Regulations, title 22, section 69501.4(b) authorizes DTSC to request information from product or chemical manufacturers, importers, assemblers, or retailers

¹ [§ 69506.4. Use Restrictions on Chemicals and Consumer Products.](#)

that it determines necessary to implement the SCP's framework regulations, via an information call-in. DTSC may use the information obtained through call-ins for several purposes, including identifying product-chemical combinations to evaluate as potential priority products; identifying and analyzing alternatives to eliminate or reduce potential exposures and adverse impacts; and filling data gaps to improve understanding and reduce research time.

The 2022/23 budget provided DTSC with additional funding to hire more staff to fully implement the SCP program. The budget change proposal stated, "...the Department of Toxic Substances Control (DTSC) requests 37.0 permanent positions and \$7.2 million Toxic Substances Control Account (TSCA) in 2022-23 and ongoing to provide the resources needed to fully implement the Safer Consumer Products (SCP) Program."²

In 2022, the Legislature passed SB 502 (Allen) that expanded DTSC's authority to require manufacturers to provide specific information including:

- information on ingredient chemical identity, concentration, and functional use;
- existing information, if any, related to the use of the products by children, pregnant women, or other sensitive populations; and
- data on state product sales, or national product sales in the absence of state product sales data.

SB 502 also gave new authority to DTSC to move directly to a regulatory response instead of requiring manufacturers to conduct an alternative analysis. The Assembly Environmental Safety and Toxic Materials Committee analysis (June 14, 2022) included a comment from the bill's author that stated, "*the adjustments made by SB 502 will ensure DTSC has the tools they need to efficiently identify and address unsafe chemical ingredients in everyday products.*"³

DTSC and Food Packaging

DTSC has been active in considering chemistries used in food packaging applications, specifically including "food contact articles" in its most recent SCP three-year workplan.⁴ DTSC notes that as part of its stakeholder engagement process "*we revised and expanded this category to include all products that are (1) intended to be used with food and (2) come in contact with a food product at any stage of its life cycle, including processing, **packaging**, preparation, cooking, serving, and transportation. This definition is more broad than the U.S. Food and Drug Administration's (FDA's) definition of food contact substances as it includes products in contact with food at any stage of a food product's life cycle and applies to the entire product.*" (emphasis added)

Finally, the SCP provides a process for anyone to petition DTSC to add to or remove from the Priority Products list a product-chemical combination. In fact, the SCP regulations require DTSC to "give

² https://bcp.dof.ca.gov/2223/FY2223_ORG3960_BCP5200.pdf

³ https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB502#

⁴ <https://dtsc.ca.gov/wp-content/uploads/sites/31/2024/10/2024-2026-Priority-Product-Work-Plan.pdf>

high priority to reviewing petitions by federal and other California State agencies that relate to the petitioning agency's statutory and/or regulatory authorities.”⁵

In 2017, DTSC denied a public petition that would have designated food cans with BPA resin linings as a priority product. The department determined that *“the original petition and the supplemental information submitted on March 14, 2017 did not provide sufficient detail to enable DTSC to rigorously evaluate BPA in food can linings.”*

Product and process safety is our top priority, and we support appropriate regulatory oversight of ingredients and materials used in packaging that is grounded in sound science and includes a rigorous discussion among stakeholders of the available scientific information and data.

To that end, the regulatory framework and authority that rests with DTSC and the United States Food & Drug Administration (FDA) provide the appropriate forum to assess the safety of food packaging materials, establish appropriate threshold levels for intentionally added ingredients, and if necessary, impose any regulatory requirements.

AB 1148 proposes a parallel regulatory process at DTSC that would result in new and unnecessary cost pressures on the department. For these reasons, we urge the committee to hold this bill.

Thank you in advance for considering our comments.

Sincerely,



Tim Shestek
American Chemistry Council

On behalf of the following organizations:

Mike Smaha, Can Manufacturers Institute
James Toner, International Bottled Water Association
Katie Little, California Food Producers
Carol Patterson, Foodservice Packaging Institute
Meredith Fossett, Vinyl Institute
Elizabeth Esquivel, California Manufacturers & Technology Association
John J. Richard, Flexible Packaging Association
Edwin Borbon, American Institute for Packaging and the Environment (AMERIPEN)
Adam Regele, California Chamber of Commerce
Lisa Johnson, Chemical Industry Council of California
Erin Raden, Consumer Brands Association
Gary Jones, Printing United Alliance
George R. Fuchs, National Association of Printing Ink Manufacturers

⁵ [§ 69504.1. Merits Review of Petitions](#)