

California Safer Food Packaging and Cookware Act of 2021.

(Assembly Bill 1200 or AB 1200)

TÜV Rheinland LGA Products - Information

January 2023

INFORMATION ABOUT NEW SUBSTANCES

On October 5th, 2021, Governor Gavin Newsom signed into law the California Safer Food Packaging and Cookware Act of 2021 (Assembly Bill 1200 or AB 1200). AB 1200 prohibits the sale or distribution of PFAS-containing paper and other vegetable-based food packaging beginning January 1st, 2023.

- "Food packaging," which includes food or beverage containers, take-out food containers, unit packs, liners, wrappers, serving containers, eating utensils, straws, food containers, and disposable plates, trays, or dishes,
- "perfluoroalkyl and polyfluoroalkyl substances" or "PFAS," which means a class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom, "regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS."
- The use and destination of PFAS is specified as 100 mg F/kg (mg fluorine per kg).

However, an important part of AB 1200 is the chemical disclosure requirement.

Beginning January 1st, 2023, cookware manufacturers must disclose on a website whether their product contains any of the thousands of chemicals on the California Department of Toxic Substances Control's (DTSC) list of candidate chemicals in the handle or cooking surface.

PROHIBITION OF PFAS CHEMICALS IN FOOD PACKAGING

Article 1 Plant-Based Food Packaging Containing PFAS

... prohibits the sale or distribution of food packaging made of paper, paperboard, or other materials originally derived from plant fibers that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) beginning July 1st, 2023.

PFAS are commonly used as coating components in paperboard or paper food packaging. Examples here include straws, bags, tableware (plates, bowls, trays), and take-out containers made of molded fibers.

DISCLOSURE OF HAZARDOUS CHEMICALS

Article 2 Chemical **Disclosures** for **Cookware**

... requires, as of January 1st, 2024, manufacturers of cookware to disclose hazardous and intentionally added chemicals that are either in the handle of the product or in food contact materials (food or beverage) and to label the product in accordance with the regulations (See Item Labeling).

For products sold online, a corresponding notice must already be provided from January 1st, 2023.

The chemicals to be disclosed, such as PFAS and BPA (Bisphenol A), are listed in the CA Department of Toxic Substances Control (DTSC) list of qualifying chemicals.

[DTSC | Candidate Chemical List / Authoritative Lists](#)

Cookware here includes, among other things

- Pots,
- Pans,
- Frying pans,
- Grills,
- Baking trays,
- Baking pans,
- Trays,
- Bowls and
- Cooking utensils

109010. For purposes of this article, the following terms have the following definitions:

(a) "Cookware" means durable houseware items that are used in homes and restaurants to prepare, dispense, or store food, foodstuffs, or beverages. "Cookware" includes pots, pans, skillets, grills, baking sheets, baking molds, trays, bowls, and cooking utensils.

....

(c) "Intentionally added chemical" means a chemical that a manufacturer has intentionally added to a product and that has a functional or technical effect in the product, including the components of intentionally added chemicals and intentional breakdown products of an added chemical that also have a functional or technical effect in the product.

The DTSC candidate list for chemicals, is based on more than 20 U.S. and international requirements/lists, including California Proposition 65 list, EU CLP Regulation list (CMR substances 1A and 1B) or endocrine disruptor list, and International Agency for Research on Cancer (IARC) classified Group 1, 2A or 2B carcinogens. The DTSC Candidate List is continuously updated when there are changes to the relevant lists and currently contains over 2500 substances.

BAN ON MISLEADING ADVERTISING

... prohibits misleading advertising on cookware packaging about harmful and hazardous chemicals in the cookware.

The ban goes into effect on January 1st, 2023, for sales online and January 1st, 2024, for products sold in brick-and-mortar stores.

On cookware packaging, a manufacturer may not claim that the cookware is "free of" a particular chemical if that chemical belongs to a chemical group or class listed on the DTSC list, unless no substances from that chemical group or class are intentionally added to the cookware.

This applies, for example, to advertising claims on cookware labels that mislead buyers into believing the product is free of hazardous chemicals. For example, pans labeled "PFOA-free" often contain other harmful PFAS chemicals such as perfluorooctane sulfonate (PFOS) or PTFE.

DTSC CANDIDATE LIST

The current list of substances on the DTSC Candidate List includes more than 3000 entries (as of 01/01/2023). A large proportion of the substances (classes) listed there have no application in food contact and non-food contact consumer articles.

According to AB 1200, only substances with an intentional use in the product (material) have to be labeled. Due to existing substance regulations for the European market (REACH Regulation (EC) No. 1906/2007 (SVHC substances and Annex XVII), POP Regulation (EU) 2019/1021, Regulation (EC) No. 1935/2004 and Regulation (EC) No. 10/2011), many of the relevant substances are banned or regulated in the European market.

LABELING

As of January 1st, 2024, products must be labeled with a list of all chemicals to be disclosed (DTSC Candidate List) and a corresponding QR code (the information must be visibly displayed on or attached to the product) that directs consumers to a website with additional information. Cookware sold online must also include this information along with other product information.

The information must be available in English as well as Spanish.

Labeling is not required if both points (or sub points) are met

- The product label of at least 2 square inches can.
- The cookware has:
 - No packaging or wrapper on which a product label can appear or be affixed.
 - No label or other attachment with information about the product attached to the cookware.

LABELING ELEMENTS

"This product contains: [Name of the substance(s), ...]",

"For more information about chemicals in this product, visit [A and B]"

"Para obtener más información sobre los productos químicos de este producto, visite [A and B]"

- (A) Internet website containing all information required by Section 109012.
- (B) Machine-readable code, such as a QR code, for reading the Internet website under clause (A).

Information Section 109012

- List of all relevant chemicals in cookware (Department of Toxic Substances Control list).
- Names of the authoritative list or lists referenced by the Department of Toxic Substances Control in the compilation.
- A link to the list or lists identified in accordance with item (b).

Chemical Name	CAS	Hazard Traits	Authoritative List
Bisphenol A (BPA)	80-05-7	Developmental Toxicity , Endocrine Toxicity , Reproductive Toxicity	CDC 4th National Exposure Report, CECBP - Priority Chemicals, EC Annex VI CMRs - Cat. 1B, EC EDs, NTP OHAT - Repr. or Dev. Toxicants, Prop 65

RECOMMENDED ACTION

The identification of candidate list substances is a multi-step process, as the presence of candidate list substances is closely related to the materials used in the product.

Evaluation of AB 1200 requirements for cookware should be done by pragmatic and efficient combination of supplier evaluation, material risk assessment and laboratory analysis.

SUPPLIER DECLARATION (DOC).

The assessment of requirements also includes a requirement for all suppliers to declare the use of substances on the DTSC list if they can be used in production or excluded.

Further information on current legal changes can also be found on our homepage at www.tuv.com or <https://www.tuv.com/regulations-and-standards/en/>.

Further technical information can be obtained from:

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Info box: For additional information on REACH services and SHVC testing, please also visit <https://www.tuv.com/world/en/reach.html>

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