

§1744. Disclosure of information on priority food contact chemicals

1. Reporting of chemical use. A person who is a manufacturer or distributor of a food package for sale in the State that contains a priority food contact chemical in any amount greater than a de minimis level shall notify the department in writing unless waived by the commissioner pursuant to this section. This written notice must be made within 180 days after a priority food contact chemical is designated. If the sale in the State of a food package by a manufacturer or distributor does not commence until after the 180-day reporting period ends, this written notice must be made within 30 days of sale of the food package in the State. This written notice must identify the food package, the number of units sold or distributed for sale in the State or nationally, the priority food contact chemical or chemicals contained in the food package, the amount of such chemicals in each unit of the food package and the intended purpose of the chemicals in the food package.

[PL 2019, c. 277, §8 (NEW).]

2. Supplemental information. The manufacturer or distributor of a food package that contains a priority food contact chemical shall provide the following additional information if requested by the department:

A. Information on the likelihood that the priority food contact chemical will be released from the food package to the environment during the food package's life cycle and the extent to which users of the food package are likely to be exposed to the chemical; [PL 2019, c. 277, §8 (NEW).]

B. Information on the extent to which the priority food contact chemical is present in the environment or human body; and [PL 2019, c. 277, §8 (NEW).]

C. An assessment of the availability, cost, feasibility and performance, including potential for harm to human health and the environment, of alternatives to the priority food contact chemical and the reason the chemical is used in the manufacture of the food package in lieu of identified alternatives. If an assessment acceptable to the department is not timely submitted, the department may assess a fee on the manufacturer or distributor to cover the costs to prepare an independent report on the availability of safer alternatives by a contractor of the department's choice. [PL 2019, c. 277, §8 (NEW).]

The manufacturer or distributor of a food package that contains a priority food contact chemical may provide additional information to the department regarding the potential for harm to human health and the environment from specific uses of the chemical.

[PL 2019, c. 277, §8 (NEW).]

3. Waiver of reporting; fee; extension of deadline. The commissioner may waive all or part of the notification requirement under subsection 1 for one or more specified uses of a priority food contact chemical if the commissioner determines that substantially equivalent information is already publicly available, that the information is not needed for the purposes of this chapter or that the specified use or uses are minor in volume. The department may assess a fee payable by the manufacturer or distributor upon submission of the notification to cover the department's reasonable costs in managing the information collected. The department may extend the deadline for submission of the information required under subsection 1 for one or more specified uses of a priority food contact chemical in a food package if it determines that more time is needed by the manufacturer or distributor to comply with the submission requirement or if the information is not needed at that time.

[PL 2019, c. 277, §8 (NEW).]

4. Failure to provide notice. A food package containing a priority food contact chemical may not be sold, offered for sale or distributed for sale in the State if the manufacturer or distributor has failed to provide the information required in this section by the date required in this section. The commissioner shall exempt a food package from this prohibition if, in the commissioner's judgment,

the lack of availability of the food package could pose an unreasonable risk to public health, safety or welfare.

[PL 2019, c. 277, §8 (NEW).]

5. Rulemaking to determine fees. If the department assesses a fee pursuant to subsection 2, paragraph C or subsection 3, the department shall determine the appropriate fee through major substantive rulemaking, as defined in Title 5, chapter 375, subchapter 2-A.

[PL 2019, c. 277, §8 (NEW).]

SECTION HISTORY

PL 2019, c. 277, §8 (NEW).

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