



July 23, 2026

The Honorable Sabrina Cervantes, Chair
Senate Committee on Appropriations
State Capitol, Room 412
Sacramento, CA 95814

**RE: AB 1148 (Sharp-Collins): Food packaging; hazardous chemicals
As amended July 2, 2026 – OPPOSE UNLESS AMENDED**

Dear Senator Cervantes:

The undersigned organizations have taken an **“Oppose Unless Amended”** position on AB 1148 (Sharp-Collins), legislation that would impose certain restrictions on food packaging that contains any intentionally added bisphenols or phthalates beginning January 1, 2028.

While recent amendments have addressed some of the coalition’s concerns, the current bill imposes new cost pressures on the Department of Toxic Substances Control (DTSC) despite the broad authority the department already has under the Safer Consumer Products (SCP) program 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

Fiscal Cost Pressures

The current version of the bill requires DTSC, upon an appropriation from the Legislature, to adopt regulations establishing thresholds for bisphenols and ortho-phthalates that are not intentionally added. Cost pressures would likely include:

- Scientific literature and toxicological review.
- Development of sampling and analytical methods.
- Evaluation of detection limits and background contamination.
- Laboratory equipment, contracts, and quality-control procedures.
- Initiation of a formal rulemaking process.

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

Additionally, manufacturers whose packaging contains non-intentionally added bisphenols or ortho-phthalates must maintain specified chemical, toxicological, and migration information and provide it to DTSC upon request. DTSC would likely incur costs to:

- Issue and track information requests.
- Review technical studies and supplier declarations.
- Determine whether manufacturers made adequate attempts to obtain unavailable information.
- Request additional information where needed.
- Maintain confidential business information procedures.

The coalition continues to have policy concerns with legislation that by-passes the existing open, transparent and science-based process under the SCP program at DTSC. This is especially true given newly expanded authority and resources the legislature has provided the department, coupled with the fact that DTSC is already considering chemistries used in food packaging as part of its workplan for possible evaluation and regulation.

The coalition did provide the author and sponsors with amendments that would have directed DTSC to evaluate bisphenols and phthalates in food packaging under the auspices of the SCP program, while also providing the necessary discretion to adopt regulations if warranted. Unfortunately, those amendments were not accepted.

Expanded DTSC Authority under the SCP Program

DTSC's authority under the SCP program was recently expanded via the enactment of SB 502 (Allen, Stats. 2022). SB 502 authorizes DTSC to require manufacturers provide specific information to help inform priority chemicals and products, 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.

DTSC also has authority 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."*²

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.³ DTSC notes that as

² https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=202120220SB502#

³ <https://dtsc.ca.gov/wp-content/uploads/sites/31/2024/10/2024-2026-Priority-Product-Work-Plan.pdf>

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)

Should your committee decide to move AB 1148 forward, we respectfully request the bill be amended to better align with the existing DTSC SCP regulatory frame. Thank you in advance for considering our comments.

Sincerely,



Tim Shestek
American Chemistry Council

On behalf of the following organizations:

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
Matt Singh, Flexible Packaging Association
Danielle F. Waterfield, Esq., 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
Cherish Changala, Western Plastics Association
Sarah Pollo Moo, California Retailers Association
Ivy Brittan, Plastics Industry Association
Mike Smaha, Can Manufacturers Institute

cc: Members, Senate Committee on Appropriations
The Honorable Dr. LaShae Sharp-Collins, Member of the Assembly
Mr. Michael Lucien, Chief of Staff, Office of Assembly Member Sharp-Collins