

# ASSEMBLY, No. 2958

## STATE OF NEW JERSEY 213th LEGISLATURE

INTRODUCED JUNE 12, 2008

**Sponsored by:**

**Assemblywoman CHARLOTTE VANDERVALK**

**District 39 (Bergen)**

**SYNOPSIS**

Requires labeling of bisphenol A and phthalates in plastic wrap for food.

**CURRENT VERSION OF TEXT**

As introduced.



A2958 VANDERVALK

2

1 AN ACT concerning plastic wrap for food and supplementing  
2 P.L.1960, c.39 (C.56:8-1 et seq.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. As used in this act:

8 “Phthalates” means diethylhexyl phthalate (DEHP), dibutyl  
9 phthalate (DBP), butyl benzyl phthalate (BBP), diisononyl phthalate  
10 (DINP), diisodecyl phthalate (DIDP), di-n-octyl phthalate (DNOP  
11 or DnOP), and any other phthalate, as determined by the Division of  
12 Consumer Affairs in the Department of Law and Public Safety in  
13 consultation with the Department of Environmental Protection and  
14 the Department of Health and Senior Services.

15 “Plastic wrap” means any cling or plastic film or wrap, sold as an  
16 individual end-use product, used to package or seal a food item  
17 without an adhesive, including but not limited to plastic wrap used  
18 for the purposes of storing, freezing, heating, or microwaving that  
19 food item. “Plastic wrap” does not include any plastic wrap used to  
20 individually package products for point-of-purchase sale, such as  
21 delicatessen meats, sandwiches, or produce.

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23 2. On or after January 1, 2010, no person may manufacture or  
24 sell in the State any plastic wrap product containing bisphenol A or  
25 phthalates without a clear, conspicuous, and easily readable label on  
26 the outer packaging stating: “this plastic wrap contains bisphenol A  
27 or phthalates,” or otherwise identifying the plastic wrap as  
28 containing bisphenol A or phthalates, as determined by the Division  
29 of Consumer Affairs in the Department of Law and Public Safety,  
30 in consultation with the Department of Environmental Protection  
31 and Department of Health and Senior Services.

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33 3. A person who manufactures or sells plastic wrap products  
34 may apply to the Division of Consumer Affairs for a waiver from  
35 the requirements of section 2 of this act, based on economic  
36 hardship, to allow the sale of existing stock only for a period of up  
37 to six months beyond January 1, 2010, as determined by the  
38 division.

39

40 4. A violation of this act shall be an unlawful practice under  
41 P.L.1960, c.39 (C.56:8-1 et seq.) and shall be subject to all  
42 remedies and penalties available pursuant to P.L.1960, c.39.

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44 5. The Division of Consumer Affairs in the Department of Law  
45 and Public Safety, in consultation with the Department of  
46 Environmental Protection and the Department of Health and Senior  
47 Services, shall adopt, pursuant to the “Administrative Procedure

1 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as  
2 are necessary to effectuate the purposes of this act.

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4 6. This act shall take effect immediately.

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STATEMENT

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9 This bill would require any plastic wrap sold on or after January  
10 1, 2010 in the State to be labeled as containing bisphenol A (BPA)  
11 or phthalates. The Division of Consumer Affairs, in the Department  
12 of Law and Public Safety, may grant a waiver to allow for the sale  
13 of existing stock for a period of up to six months beyond January 1,  
14 2010.

15 Under this bill, plastic wrap is defined as any cling or plastic  
16 film or wrap, sold as an individual end-use product, used to package  
17 or seal a food item without an adhesive, including but not limited to  
18 plastic wrap used for the purposes of storing, freezing, heating, or  
19 microwaving that food item.

20 High levels of BPA and phthalates can have adverse effects on  
21 people and there is substantial evidence that virtually everyone  
22 carries some level of phthalates in their body. Exposure to BPA  
23 and phthalates has been shown to have hormone disrupting effects  
24 and may pose a hazard to reproduction and to the health and welfare  
25 of children.

26 BPA and phthalates are found in many plastics, including plastic  
27 wrap. Some phthalates have been listed by the United States  
28 Environmental Protection Agency as probable human carcinogens  
29 and toxic chemicals subject to certain federal reporting  
30 requirements. Research by the National Toxicology Program, in the  
31 National Institute of Environmental Health Sciences in the United  
32 States Department of Health and Human Services, led to a draft  
33 “NTP Brief on Bisphenol A” in April 2008, which indicated there is  
34 some concern for neural and behavioral effects in fetuses, infants,  
35 and children at the current level of human exposure.