



State of California
Office of the Attorney General

ROB BONTA
ATTORNEY GENERAL

October 17, 2023

To: Manufacturers, Distributors, and Sellers of Food Packaging and Cookware

RE: Assembly Bill 1200 – Hazardous Chemicals in Food Packaging and Cookware

I am issuing this enforcement advisory letter to inform manufacturers, distributors, and sellers of food packaging and cookware of new requirements established under California Assembly Bill 1200 (2021) (“A.B. 1200”), codified in Health and Safety Code sections 109000 through 109014. As the chief law enforcement officer of the State of California, I have broad authority to enforce California’s statutes, including A.B. 1200.

A.B. 1200 restricts the distribution or sale of food packaging that contains “regulated perfluoroalkyl and polyfluoroalkyl substances or PFAS” (“regulated PFAS”) and sets forth disclosure and labelling requirements for manufacturers of cookware. Failure to comply with A.B. 1200’s requirements may constitute a violation of California’s Unfair Competition Law, Business and Professions Code section 17200 (“UCL”), Business and Professions Code section 17500, and other applicable laws. Accordingly, the California Attorney General’s Office may bring an enforcement action for a failure to comply with A.B. 1200, seeking civil penalties, restitution, and injunctive relief, and can pursue criminal liability. (See e.g., Bus. & Prof. Code, §§ 17203, 17206, 17500.) The text of A.B. 1200 can be found at: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB1200.

I. RESTRICTIONS ON FOOD PACKAGING

A.B. 1200 includes provisions that took effect at the start of this year. They prohibit businesses, including shops and restaurants selling take-out food, from distributing, selling, or offering for sale any “food packaging” that contains regulated PFAS. (Health & Saf. Code, § 109000, subd. (b).) A.B. 1200 also requires the manufacturer to use the least toxic alternative when replacing regulated PFAS in “food packaging.” (*Id.* § 109000, subd. (c).) It defines “food packaging” broadly as long as such packaging “is comprised, in substantial part, of...materials originally derived from plant fibers.” (*Id.* § 109000, subd. (a)(1).) It defines regulated PFAS to include:

1. PFAS that a manufacturer has intentionally added to a product and that have a functional or technical effect in the product, including the PFAS components of

- intentionally added chemicals and PFAS that are intentional breakdown products of an added chemical that also have a functional or technical effect in the product.
2. The presence of PFAS in a product or product component at or above 100 parts per million, as measured by total organic fluorine. (*Id.* § 109000, subd. (a)(3).)

II. DISCLOSURE AND LABELING REQUIREMENTS FOR COOKWARE

A.B. 1200 sets forth several disclosure and labeling requirements that a “manufacturer” of “cookware” must follow when it intentionally includes in a product a chemical on the “designated list” that the Department of Toxic Substances Control maintains under its Safer Consumer Products program. (Health & Safety Code § 109010, subd. (b).) The “designated list” includes many PFAS compounds. (Cal. Code Regs., tit. 22, § 69502.2, subd. (a)(2)(F); see Biomonitoring California, *Designated Chemicals* (July 2022) https://biomonitoring.ca.gov/sites/default/files/downloads/DesignatedChemicalsList_July2022.pdf [as of September 22, 2023].)

The disclosure and labeling requirements only apply when a listed chemical is intentionally included in the handle of the product or in any product surface that comes into contact with food, foodstuffs, or beverages.

A. Internet Disclosure

First, beginning January 1, 2023, a manufacturer of cookware subject to A.B. 1200’s requirements shall post on the website for the cookware all of the following:

1. A list of all chemicals in the cookware that are also present on the designated list;
2. The name(s) of the authoritative list or lists referenced by DTSC in compiling the designated list on which each chemical in the cookware is present; and
3. A link to the internet website for the authoritative list or lists referenced by DTSC in compiling the designated list on which each chemical in the cookware is present. (Health & Saf. Code, § 109012.)

B. Prohibition on “Chemical Free” Claims on Internet

Second, beginning January 1, 2023, a manufacturer shall not claim on the website for the cookware that the cookware is free of any specific chemical if the chemical belongs to a chemical group or class identified on the designated list unless that chemical was not intentionally added to the cookware. (Health & Saf. Code, § 109013.)

C. Product Label Disclosures

Third, beginning January 1, 2024, a manufacturer of cookware subject to A.B. 1200’s requirements must list in the product label the intentionally added chemicals present on the “designated list” in the handle of the product or in any cookware surface that comes into contact

with food, foodstuffs, or beverages on the product label. (*Id.* § 109011.) A.B. 1200 sets forth specific language that a product label must include.

A cookware manufacturer must ensure that the required statement on the product label is visible and legible to the consumer, including on the product listing for online sales. (*Id.* § 109011, subd. (b).)

A.B. 1200 provides an exemption from this product label disclosure requirement if the surface area of the cookware cannot fit a product label of at least two square inches and the cookware does not have either of the following:

1. An exterior container or wrapper on which a product label can appear or be affixed.
2. A tag or other attachment with information about the product attached to the cookware. (*Id.* § 109011, subd. (c)(1).) However, even if a manufacturer is exempt from this product label disclosure requirement, the manufacturer must ensure that the required statement is included on the product listing for online sales. (*Id.* § 109011, subd. (c)(2).)

D. Prohibition on “Chemical Free” Claims on Product Label

Fourth, beginning January 1, 2024, A.B. 1200 prohibits a manufacturer from claiming on the cookware packaging that the cookware is free of any specific chemical if the chemical belongs to a chemical group or class identified on the “designated list” unless that chemical was not intentionally added to the cookware. (Health & Saf. Code § 109013.)

III. CONCLUSION

I urge companies to assess their food packaging and cookware products and ensure that they are complying with the requirements summarized in this letter. Companies should be aware that, if they fail to comply, they may be subject to enforcement actions. I have made it a priority as Attorney General to protect public health and the environment from the threat of further PFAS exposure, and I consider A.B. 1200 an important tool for advancing that priority. If companies have questions about the statutes or about this letter, they should direct them to PFAS@doj.ca.gov.

Sincerely,



ROB BONTA
Attorney General