

Concept DRAFT

Prohibition of Sale of Food Packages Containing PFAS (32 M.R.S. §1733(3-B)) (Major Substantive) (Reserved)

A. Sales Prohibition. A manufacturer, supplier, or distributor may not offer for sale or for promotional purposes in the State food packaging intended for direct food contact comprised, in substantial part, of paper, paperboard, or other materials originally derived from plant fibers which are intended for short-term storage or to hold freshly prepared food, to which PFAS have been intentionally introduced in any amount greater than an incidental presence (except as provided in paragraph B of this section) and are one of the following:

- 1) bags and sleeves: bags and sleeves are containers made from flexible material that can be folded flat and are typically used to transport food from a foodservice establishment. Sleeves include sealed-end bags referred to as pinch-bottom bags.
- 2) bowls: an open-topped container with a wide rim opening and a bottom that allows spooning of food. These containers are typically designed to hold foods for serving that have a substantial liquid component; this includes portion cups.
- 3) closed containers: a container that encloses food on all sides, with interlocking pieces or overlapping walls which hold the container closed for transport. Examples include clamshells, food pails, bakery boxes, and deli containers.
- 4) flat serviceware: shallow, flat-bottomed containers with large surface areas used for serving and transporting food which have one large surface or multiple compartments to separate food items during food service. Examples include, but are not limited to, trays, cafeteria-style trays, and plates.
- 5) food boats: a type of tray with tall, lipped edges and no compartments. Examples include, but are not limited to, food service containers for fried clams and lobster rolls.
- 6) open-top containers: containers that enclose food on all but one side and are designed to hold food for serving or transportation. Examples include, but are not limited to, paper cones, cups, bowls, and food boats.
- 7) pizza boxes: a folded box used for serving, holding, or transporting various sizes of pizza or calzones.

Concept DRAFT

8) plates: flat serveware, whether single or with multiple compartments, used for serving or holding food items during food service.

9) wraps and liners: sheets used to wrap food for food service or create a lining inside other serveware to act as an additional barrier.

- B. This prohibition does not apply to a manufacturer of a food or beverage product that is contained in a food package or to which a food package is applied if that manufacturer has less than \$1,000,000,000 of total annual national sales of food and beverage products.