

Environment & Energy

# FDA Denies Petitions to Restrict Phthalates in Food Packaging

By Zach Bright

May 19, 2022, 4:46 PM

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- Environmental groups' two petitions lack data, FDA said
  - FDA revoked authorization of 23 phthalates in third petition
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The US Food and Drug Administration denied two petitions from environmental and health advocates to ban food packaging phthalates and accepted an industry group's petition to stop authorizing phthalates no longer used in food containers, the agency said Thursday.

Phthalates—often used to soften plastics—also can be found in cosmetics, detergents, shower curtains, and vinyl flooring. Studies show phthalates accumulated at high enough levels can lead to serious health issues in pregnancy and childhood development.

The FDA said a 2016 petition from groups including the Environmental Defense Fund and Earthjustice lacked enough scientific data to fulfill their request to ban 28 phthalates in food packaging.

A second petition from the more than 10 environmental and health organizations seeking to ban the food contact use of certain phthalates and revoke FDA authorization of other phthalates also was denied for lack of sufficient information, the FDA said.

The FDA announced it revoked authorization of 23 phthalates and two other substances that come in food contact because industry no longer uses them. The action responded to the Flexible Vinyl Alliance, a coalition of plastics industry groups, which filed a 2018 petition asking the FDA to remove the authorization for the 25 substances that industry had abandoned.

Granting the industry group's petition resulted in removing authorizations for 23 of the 28 phthalates in one of the petitions of the advocacy groups, the FDA said in a news release.

## Belated Response

Valerie Holford, spokesperson for the Environmental Defense Fund, said the group plans to file objections and demand a public hearing.

The groups also called out the FDA for a belated response, saying FDA has a mandate to respond to petitions within 180 days.

“FDA’s announcement that it will now start reviewing new data on phthalate safety—six years after advocates sounded the alarm—is outrageous and seeks to sidestep FDA’s legal duty to address the current science in proceedings on the existing petitions,” Earthjustice Attorney Katherine O’Brien said in a release.

The FDA said in its Thursday announcement it was issuing a request for information about phthalate use and safety information in food contact applications for the eight phthalates that are still authorized for use. The request will be published in Friday’s Federal Register.

The landmark 2008 Consumer Product Safety Improvement Act restricted phthalates in children’s products. Today, a handful of states are considering phthalates regulations for food packaging.

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