

SENATE BILL REPORT

SSB 6248

As Passed Senate, January 29, 2010

Title: An act relating to the use of bisphenol A.

Brief Description: Concerning the use of bisphenol A.

Sponsors: Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Fairley, Rockefeller, Kohl-Welles, Kline and Ranker).

Brief History:

Committee Activity: Health & Long-Term Care: 1/11/10, 1/18/10 [DPS, DNP, w/oRec].

Passed Senate: 1/29/10, 36-9.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6248 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Marr and Murray.

Minority Report: Do not pass.

Signed by Senator Pflug, Ranking Minority Member.

Minority Report: That it be referred without recommendation.

Signed by Senators Becker and Parlette.

Staff: Rhoda Donkin (786-7465)

Background: Bisphenol A (BPA) is a chemical that is used to harden plastic. It is found in a wide variety of products, including baby bottles, reusable water bottles, tableware, and storage containers. It is used in the thin coating on the interior of food and beverage cans to prevent corrosion and food contamination from the metals.

Potential health effects from exposure to BPA are reproductive effects and developmental effects, particularly in newborns and infants. The U.S. Food and Drug Administration (FDA) is continuing its review of current research on potential low dose effects of BPA. Some manufacturers have discontinued the use of BPA in food and beverage products used by young children.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Substitute Bill: Beginning July 1, 2011, plastic containers made with BPA and designed to hold food or beverages primarily for children under three years old may not be manufactured, sold, or distributed in Washington State.

Metal cans with interior coatings containing BPA are exempt.

Manufacturers of these products must notify sellers of these restrictions and must recall products that have already been distributed and reimburse retailers or others purchasers for these recalled products.

Manufacturers, retailers, or distributors who knowingly distribute products containing BPA in violation of these provisions are subject to a civil penalty of \$5,000 for each violation that is a first offense. Repeat violators are subject to fines not exceeding \$10,000 for each repeat offense.

The Department of Ecology may adopt rules to implement this chapter.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: BPA has been the subject of hundreds of studies providing compelling data that it can cause harm at levels below those being found now in humans. This chemical acts like a hormone and can cause estrogenic effects – many of which we can't know about for years because they take time to manifest. It is especially harmful to young children, because the BPA that accumulates in their bodies takes longer to metabolize and eliminate. Why wait for the harm to show up? The FDA did not base its report on the safety of BPA on good science. The studies used by regulatory agencies use traditional toxicology paradigms that don't reveal the truth about BPA. There is enough data to worry about BPA and this bill is a very reasonable first step to preventing dangerous health impacts in the future. We would like to see baby formula cans and baby food jars included in the bill. We should join other states and ban BPA in baby products.

CON BPA is one of the most widely tested substances in commerce because it is so widely used. The consensus among regulatory bodies around the world is that BPA is not a risk to human health, including infants and children, at the extremely low levels to which people are exposed. The need for legislative action on BPA is not clear in light of the intensity of regulatory reviews around the world. Elaborate pharmacokinetics study on rats and primates has demonstrated that BPA is efficiently metabolized to a biologically inactive metabolite. Data from a large-scale CDC program indicates that human exposure to BPA is extremely low and trending down. In 2009 an expert panel appointed by the state of California reviewed the science and unanimously concluded that BPA is not a reproductive or developmental toxicant.

This bill is going to put people out of business. It sends the wrong message and people are going to assume that any time they drink water out of a plastic bottle they are in danger. The burden on manufacturers is too rigorous and the fines are too high. We shouldn't raid the toxic control account.

Persons Testifying: PRO: Dr. Patricia Hunt, Washington State University; Erika Schreder, Nick Federici, Washington Toxics Coalition; Amy Ellings, mother; Dr. Barry Lawson, American Academy of Pediatrics; Karen Bowman, Washington State Nurses Assoc.; Jennifer Allen, Planned Parenthood; Erin Caron, Mary Carlson, Thurston County Childcare Center/Safe Kids Thurston County; Blair Admundson, WashPIRG.

CON: Mark Greenberg, Steve Hentges, American Chemistry Council; Jim Connelly, Lodi Water Company/Northwest Bottled Water; Grant Nelson, Assoc. of Washington Businesses; Mark Johnson, Washington Retail Association; Randy Ray, Pacific Seafood Processors Assoc.

SENATE BILL REPORT

SB 6248

As Reported by Senate Committee On:
Health & Long-Term Care, January 18, 2010

Title: An act relating to the use of bisphenol A.

Brief Description: Concerning the use of bisphenol A.

Sponsors: Senators Keiser, Fairley, Rockefeller, Kohl-Welles, Kline and Ranker.

Brief History:

Committee Activity: Health & Long-Term Care: 1/11/10, 1/18/10 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 6248 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Franklin, Vice Chair; Fairley, Marr and Murray.

Minority Report: Do not pass.

Signed by Senator Pflug, Ranking Minority Member.

Minority Report: That it be referred without recommendation.

Signed by Senators Becker and Parlette.

Staff: Rhoda Donkin (786-7465)

Background: Bisphenol A (BPA) is a chemical that is used to harden plastic. It is found in a wide variety of products, including baby bottles, reusable water bottles, tableware, and storage containers. It is used in the thin coating on the interior of food and beverage cans to prevent corrosion and food contamination from the metals.

Potential health effects from exposure to BPA are reproductive effects and developmental effects, particularly in newborns and infants. The U.S. Food and Drug Administration (FDA) is continuing its review of current research on potential low dose effects of BPA. Some manufacturers have discontinued the use of BPA in food and beverage products used by young children.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Substitute): Beginning July 1, 2011, plastic containers made with BPA and designed to hold food or beverages primarily for children under three years old may not be manufactured, sold, or distributed in Washington State.

Meta. cans with interior coatings containing BPA are exempt.

Manufacturers of these products must notify sellers of these restrictions and must recall products that have already been distributed and reimburse retailers or others purchasers for these recalled products.

Manufacturers, retailers, or distributors who knowingly distribute products containing BPA in violation of these provisions are subject to a civil penalty of \$5,000 for each violation that is a first offense. Repeat violators are subject to fines not exceeding \$10,000 for each repeat offense.

The Department of Ecology may adopt rules to implement this chapter.

EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Substitute): The Substitute removes sports water bottles from the bill.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: BPA has been the subject of hundreds of studies providing compelling data that it can cause harm at levels below those being found now in humans. This chemical acts like a hormone and can cause estrogenic effects – many of which we can't know about for years because they take time to manifest. It is especially harmful to young children, because the BPA that accumulates in their bodies takes longer to metabolize and eliminate. Why wait for the harm to show up? The FDA did not base its report on the safety of BPA on good science. The studies used by regulatory agencies use traditional toxicology paradigms that don't reveal the truth about BPA. There is enough data to worry about BPA and this bill is a very reasonable first step to preventing dangerous health impacts in the future. We would like to see baby formula cans and baby food jars included in the bill. We should join other states and ban BPA in baby products.

CON: BPA is one of the most widely tested substances in commerce because it is so widely used. The consensus among regulatory bodies around the world is that BPA is not a risk to human health, including infants and children, at the extremely low levels to which people are exposed. The need for legislative action on BPA is not clear in light of the intensity of regulatory reviews around the world. Elaborate pharmacokinetics study on rats and primates has demonstrated that BPA is efficiently metabolized to a biologically inactive metabolite. Data from a large-scale CDC program indicates that human exposure to BPA is extremely

low and trending down. In 2009 an expert panel appointed by the state of California reviewed the science and unanimously concluded that BPA is not a reproductive or developmental toxicant.

This bill is going to put people out of business. It sends the wrong message and people are going to assume that any time they drink water out of a plastic bottle they are in danger. The burden on manufacturers is too rigorous and the fines are too high. We shouldn't raid the toxics control account.

Persons Testifying: PRO: Dr. Patricia Hunt, Washington State University; Erika Schreder, Nick Federici, Washington Toxics Coalition; Amy Ellings, mother; Dr. Barry Lawson, American Academy of Pediatrics; Karen Bowman, Washington State Nurses Assoc.; Jennifer Allen, Planned Parenthood; Erin Caron, Mary Carlson, Thurston County Childcare Center/Safe Kids Thurston County; Blair Admundson, WashPIRG.

CON: Mark Greenberg, Steve Hentges, American Chemistry Council; Jim Connelly, Lodi Water Company/Northwest Bottled Water; Grant Nelson, Assoc. of Washington Businesses; Mark Johnson, Washington Retail Association; Randy Ray, Pacific Seafood Processors Assoc.

SENATE BILL REPORT

SB 6248

As of January 13, 2010

Title: An act relating to the use of bisphenol A.

Brief Description: Concerning the use of bisphenol A.

Sponsors: Senators Keiser, Fairley, Rockefeller, Kohl-Welles, Kline and Ranker.

Brief History:

Committee Activity: Health & Long-Term Care: 1/11/10.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Rhoda Donkin (786-7465)

Background: Bisphenol A (BPA) is a chemical that is used to harden plastic. It is found in a wide variety of products, including baby bottles, reusable water bottles, tableware, and storage containers. It is used in the thin coating on the interior of food and beverage cans to prevent corrosion and food contamination from the metals.

Potential health effects from exposure to BPA are reproductive effects and developmental effects, particularly in newborns and infants. The U.S. Food and Drug Administration (FDA) is continuing its review of current research on potential low dose effects of BPA. Some manufacturers have discontinued the use of BPA in food and beverage products used by young children.

Summary of Bill: Beginning July 1, 2011, plastic containers made with BPA and designed to hold food or beverages primarily for children under three years old, and sports water bottles made with BPA, may not be manufactured, sold, or distributed in Washington State. Metal cans with interior coatings containing BPA are exempt.

Manufacturers of these products must notify sellers of these restrictions and must recall products that have already been distributed and reimburse retailers or others purchasers for these recalled products.

Manufacturers, retailers, or distributors who knowingly distribute products containing BPA in violation of these provisions are subject to a civil penalty of \$5,000 for each violation that

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

is a first offense. Repeat violators are subject to fines not exceeding \$10,000 for each repeat offense.

The Department of Ecology may adopt rules to implement this chapter.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: BPA has been the subject of hundreds of studies providing compelling data that it can cause harm at levels below those being found now in humans. This chemical acts like a hormone and can cause estrogenic effects – many of which we can't know about for years because they take time to manifest. It is especially harmful to young children, because the BPA that accumulates in their bodies takes longer to metabolize and eliminate. Why wait for the harm to show up? The FDA did not base its report on the safety of BPA on good science. The studies used by regulatory agencies use traditional toxicology paradigms that don't reveal the truth about BPA. There is enough data to worry about BPA and this bill is a very reasonable first step to preventing dangerous health impacts in the future. We would like to see baby formula cans and baby food jars included in the bill. We should join other states and ban BPA in baby products.

CON: BPA is one of the most widely tested substances in commerce because it is so widely used. The consensus among regulatory bodies around the world is that BPA is not a risk to human health, including infants and children, at the extremely low levels to which people are exposed. The need for legislative action on BPA is not clear in light of the intensity of regulatory reviews around the world. Elaborate pharmacokinetics study on rats and primates has demonstrated that BPA is efficiently metabolized to a biologically inactive metabolite. Data from a large-scale CDC program indicates that human exposure to BPA is extremely low and trending down. In 2009 an expert panel appointed by the state of California reviewed the science and unanimously concluded that BPA is not a reproductive or developmental toxicant.

This bill is going to put people out of business. It sends the wrong message and people are going to assume that any time they drink water out of a plastic bottle they are in danger. The burden on manufacturers is too rigorous and the fines are too high. We shouldn't raid the toxics control account.

Persons Testifying: PRO: Dr. Patricia Hunt, Washington State University; Erika Schreder, Nick Federici, Washington Toxics Coalition; Amy Ellings, mother; Dr. Barry Lawson, American Academy of Pediatrics; Karen Bowman, Washington State Nurses Assoc.; Jennifer Allen, Planned Parenthood; Erin Caron, Mary Carlson, Thurston County Childcare Center/Safe Kids Thurston County; Blair Admundson, WashPIRG.

CON: Mark Greenberg, Steve Hentges, American Chemistry Council; Jim Connelly, Lodi Water Company/Northwest Bottled Water; Grant Nelson, Assoc. of Washington Businesses; Mark Johnson, Washington Retail Association; Randy Ray, Pacific Seafood Processors Assoc.



2009 SENATE BILL 271

August 21, 2009 – Introduced by Senators LASSA, CARPENTER, KAPANKE, HANSEN, WIRCH, LEHMAN, ROBSON, RISSER and TAYLOR, cosponsored by Representatives ROYS, MOLEPSKE JR., MASON, BENEDICT, BROOKS, BERCEAU, HUBLER, CULLEN, MILROY, PASCH, TURNER, BLACK, JORGENSEN, PARISI, STEINBRINK, VRUWINK, DANOU, SOLETSKI, RICHARDS, SPANBAUER and CLARK. Referred to Committee on Small Business, Emergency Preparedness, Technical Colleges, and Consumer Protection.

1 **AN ACT to create** 20.115 (1) (ip), 100.335 and 814.75 (1d) of the statutes; **relating**
2 **to:** prohibiting the manufacture and sale at wholesale of certain baby bottles
3 and cups for children that contain bisphenol A, creating labeling requirements,
4 making an appropriation, and providing penalties.

Analysis by the Legislative Reference Bureau

This bill prohibits manufacturing or selling, or offering to sell, at wholesale an empty baby bottle or spill-proof cup primarily intended for use by a child five years of age or younger (child's container) if the child's container contains bisphenol A. A manufacturer or wholesaler must ensure that a child's container sold or offered for sale in this state is conspicuously labeled as not containing bisphenol A. The bill does not apply to the sale of a used child's container. Under the bill, the Department of Agriculture, Trade and Consumer Protection (DATCP) may, after a hearing, order a manufacturer or wholesaler of a container that violates the provisions of the bill to recall or repair the container.

A person who violates the provisions of the bill may be fined up to \$5,000, imprisoned in the county jail for up to one year, or both, and may also be required to forfeit \$100 to \$10,000 for each violation. Each container manufactured, sold, or offered for sale in violation of the provisions of the bill constitutes a separate violation. If a court imposes a fine or forfeiture, the court must also impose a surcharge equal to 50 percent of the amount of the fine or forfeiture. Under the bill, surcharges are appropriated to DATCP for administering and enforcing the provisions of the bill.

SENATE BILL 271

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report concerning the proposed penalty and the costs or savings that are likely to result if the bill is enacted.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.115 (1) (ip) of the statutes is created to read:

2 20.115 (1) (ip) *Bisphenol A enforcement.* All moneys received under s. 100.335
3 (6), for enforcement and administration of s. 100.335.

4 **SECTION 2.** 100.335 of the statutes is created to read:

5 **100.335 Child’s containers containing bisphenol A. (1)** In this section,
6 “child’s container” means an empty baby bottle or spill–proof cup primarily intended
7 by the manufacturer for use by a child 5 years of age or younger.

8 **(2)** No person may manufacture or sell, or offer for sale, at wholesale in this
9 state a child’s container that contains bisphenol A. A manufacturer or wholesaler
10 who sells or offers for sale in this state a child’s container shall ensure the container
11 is conspicuously labeled as not containing bisphenol A.

12 **(3)** (a) The department may commence an action in the name of the state to
13 restrain by temporary or permanent injunction a violation of this section.

14 (b) The department or a district attorney may commence an action in the name
15 of the state to recover a forfeiture to the state of not less than \$100 nor more than
16 \$10,000 for each violation of this section.

17 (c) A person who violates this section may be fined not more than \$5,000,
18 imprisoned for not more than one year in the county jail, or both.

The Vermont Legislative Bill Tracking System

Current Status of a Specific Bill or Resolution 2009 - 2010 Legislative Session

General Status:

Bill: **H. 551**

Title: **AN ACT RELATING TO BISPHENOL A**

Sponsor(s): **Milkey, Virginia**
Edwards, Sarah
Burke, Mollie
Ar.cel, Janet
[More Sponsors](#)

Request: **10-0140**

Drafter: **Carbee**

Bill Text:

[As Introduced](#)

Detailed Status:

Status Header	Full Status (Red = House Status, Green = Senate Status)
1/22/2010 HJ 72 P. 70	Read First Time and Referred to the Committee on Human Services

Act Information:

Act No:

EffectiveDate:

Journal of the House

Friday, January 22, 2010

At nine o'clock and thirty minutes in the forenoon the Speaker called the House to order.

Devotional Exercises

Devotional exercises were conducted by the Speaker.

Message from the Senate No. 6

A message was received from the Senate by Mr. Marshall, its Assistant Secretary, as follows:

Mr. Speaker:

I am directed to inform the House that:

The Senate has on its part adopted joint resolutions of the following titles:

J.R.S. 43. Joint resolution providing for a Joint Assembly for the election of two legislative Trustees of the Vermont State Colleges Corporation.

J.R.S. 44. Joint resolution establishing a procedure for the conduct of the election of two legislative trustees of the Vermont State Colleges Corporation by plurality vote by the General Assembly in 2010.

In the adoption of which the concurrence of the House is requested.

Rules Suspended; House Bills Introduced

House bills of the following titles were severally introduced. Pending first reading of the bills, on motion of **Rep. Konline of Dorset**, the rules were suspended and the bills were read the first time by number and referred or placed on the Calendar as follows:

H. 544

By Reps. Masland of Thetford and Cheney of Norwich,
An act relating to feral cats;
To the committee on General, Housing and Military Affairs.

H. 545

By Reps. Masland of Thetford and Cheney of Norwich,
An act relating to spending authorization and appropriations for town highway programs;

H. 551

By Reps. Milkey of Brattleboro, Edwards of Brattleboro, Burke of Brattleboro, Ancel of Calais, Branagan of Georgia, Clarkson of Woodstock, Howard of Rutland City, Masland of Thetford, Obuchowski of Rockingham, Sharpe of Bristol and Zuckerman of Burlington,

An act relating to bisphenol A;

To the committee on Human Services.

H. 552

By Reps. Koch of Barre Town and Fisher of Lincoln,

An act relating to general and intensive hospital designations;

To the committee on Health Care.

H. 553

By Rep. Pellett of Chester,

An act relating to the transportation and slaughter of calves less than ten days old;

To the committee on Agriculture.

H. 554

By Rep. Turner of Milton,

An act relating to legislative members of the board of trustees of the University of Vermont and State Agricultural College;

To the committee on Education.

H. 555

By Reps. Lewis of Derby, Atkins of Winooski, Baker of West Rutland, Bohi of Hartford, Branagan of Georgia, Canfield of Fair Haven, Courcelle of Rutland City, Deen of Westminster, Devereux of Mount Holly, Donaghy of Poultney, Fagan of Rutland City, French of Shrewsbury, Higley of Lowell, Howard of Cambridge, Hubert of Milton, Komline of Dorset, Lorber of Burlington, Marcotte of Coventry, Martin of Springfield, McCullough of Williston, McFaun of Barre Town, McNeil of Rutland Town, Mitchell of Barnard, Morley of Barton, Morrissey of Bennington, Myers of Essex, Nease of Johnson, Partridge of Windham, Reis of St. Johnsbury, Rodgers of Glover, Savage of Swanton, Shaw of Pittsford, South of St. Johnsbury, Stevens of Shoreham, Sweaney of Windsor, Townsend of Randolph, Turner of Milton, Webb of Shelburne, Wheeler of Derby and Zuckerman of Burlington,

1
2
3
4
5
6
7
8
9
10
11
12
13

14
15
16
17
18
19
20

H.551

Introduced by Representatives Milkey of Brattleboro, Edwards of Brattleboro,
Burke of Brattleboro, Ancel of Calais, Branagan of Georgia,
Clarkson of Woodstock, Howard of Rutland City, Masland of
Thetford, Obuchowski of Rockingham, Sharpe of Bristol and
Zuckerman of Burlington

Referred to Committee on

Date:

Subject: Health; public health; toxic substances; bisphenol A

Statement of purpose: This bill proposes to ban the manufacture, sale, and
distribution of infant formula or baby food stored in a plastic container, jar, or
can that contains bisphenol A (BPA) and the manufacture, sale, and
distribution of any reusable food or beverage container containing BPA.

An act relating to bisphenol A

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

The general assembly finds that:

(1) Bisphenol A (BPA) is a synthetic estrogen that was originally
considered for use in managing challenging pregnancies. Low-dose exposure
to BPA has been linked to breast cancer, prostate cancer, recurrent

1 miscarriages, early onset puberty, reduced sperm count, delayed development,
2 heart disease, diabetes, and obesity.

3 (2) Over 90 percent of the more than 100 government-funded studies of
4 low-dose exposure to BPA have demonstrated adverse health effects.

5 (3) According to the Centers for Disease Control and Prevention, more
6 than 90 percent of Americans have detectable levels of BPA in their bodies,
7 and children have higher concentrations of BPA in their bodies than do
8 adolescents or adults.

9 (4) Approximately seven billion pounds of BPA is produced globally
10 each year for use in baby bottles, dental sealants, compact discs, water bottles,
11 food cans, and a wide variety of other items.

12 (5) BPA is one of the most frequently detected industrial chemicals in
13 groundwater and is also found in landfill leachate, surface water, sewage,
14 sludge, and treated wastewater discharge.

15 (6) The use of BPA should be limited in order to protect the health of
16 the citizens and environment of Vermont.

17 Sec. 2. 18 V.S.A. § 1512 is added to read:

18 § 1512. BISPHEENOL A

19 (a) As used in this section:

1 (1) "Baby food" means a prepared solid food consisting of a soft paste
2 or an easily chewed food that is intended for consumption by children two
3 years of age or younger and that is commercially available.

4 (2) "Bisphenol A" means an industrial chemical used primarily in the
5 manufacture of polycarbonate plastic and epoxy resins.

6 (3) "Infant formula" means a milk-based or soy-based powder,
7 concentrated liquid, or ready-to-feed substitute for human breast milk that is
8 intended for infant consumption and that is commercially available.

9 (4) "Reusable food or beverage container" means a receptacle for
10 storing food or beverages, including baby bottles, spill-proof cups, sports
11 bottles, and thermoses. The term does not include food or beverage containers
12 intended for disposal after initial usage.

13 (b) Beginning July 1, 2012, no person or entity shall manufacture, sell, or
14 distribute in commerce in this state any reusable food or beverage container
15 containing bisphenol A.

16 (c) Beginning July 1, 2012, no person or entity shall manufacture, sell, or
17 distribute in commerce in this state any infant formula or baby food stored in a
18 plastic container, jar, or can that contains bisphenol A.

19 (d) Manufacturers shall use the least toxic alternative when replacing
20 bisphenol A in accordance with this section.

1 (e) Manufacturers shall not replace bisphenol A, pursuant to this section,
2 with carcinogens rated by the U.S. Environmental Protection Agency (EPA) as
3 A, B, or C carcinogens or substances listed on the EPA's "List of Chemicals
4 Evaluated for Carcinogenic Potential" as known or likely carcinogens, known
5 to be human carcinogens, likely to be human carcinogens, or suggestive of
6 being carcinogens.

7 (f) Manufacturers shall not replace bisphenol A, pursuant to this section,
8 with reproductive toxicants that the EPA has identified as causing birth
9 defects, reproductive harm, or developmental harm.

10 (g) A violation of this section shall be deemed a violation of the Consumer
11 Fraud Act, chapter 63 of Title 9. The attorney general has the same authority
12 to make rules, conduct civil investigations, enter into assurances of
13 discontinuance, and bring civil actions, and private parties have the same rights
14 and remedies, as provided under subchapter 1 of chapter 63 of Title 9.

The Vermont Legislative Bill Tracking System

Current Status of a Specific Bill or Resolution 2009 - 2010 Legislative Session

11/5/10

General Status:

Bill: S. 247
Title: AN ACT RELATING TO BISPHENOL A
Sponsor(s): Lyons, Virginia
Request: 10-0268
Drafter: Carbee

Bill Text:

As Introduced

Detailed Status:

Status Header	Full Status (Green = Senate Status, Red = House Status)
1/5/2010 SJ 1 P. 0	Read the first time and referred to Committee on Health and Welfare

Act Information:

Act No:

EffectiveDate:

1510

Journal of the Senate of the STATE OF VERMONT ADJOURNED SESSION, 2010

TUESDAY, JANUARY 5, 2010

Pursuant to the provisions of the 2009 final adjournment joint resolution of the two Houses (J.R.S. 35), the Senate convened at the State House at Montpelier, on Tuesday, the fifth day of January, two thousand ten.

At ten o'clock in the forenoon, Eastern Standard Time, the Senate was called to order by the President, Lieutenant Governor Brian E. Dubie.

Devotional Exercises

Devotional exercises were conducted by the Reverend Michael Augustinowitz of Montpelier.

Pledge of Allegiance

Page Haddie Lary then led the members of the Senate in the pledge of allegiance.

Resignation of Senator After Final Adjournment

After final adjournment of the 2009 session, the following communication was received by the Secretary from the Honorable James H. Douglas, Governor of the State of Vermont, notifying the Senate of the resignation from the Senate, of Senator Hull Maynard which letter is as follows:

Senator Hull Maynard

**7983 Cold River Road
Shrewsbury, VT 05738**

November 6, 2009

Governor James Douglas
109 State Street
Montpelier, VT 05609-0101

Dear Jim:

To the Committee on Government Operations.

S. 244.

By Senator Giard,

An act relating to creating a pilot regional center on autism spectrum disorders to serve Chittenden County.

To the Committee on Government Operations.

S. 245.

By Senator Illuzzi,

An act relating to a tri-state telecommunications compact commission.

To the Committee on Government Operations.

S. 246.

By Senator Lyons,

An act relating to proactive physical therapy and the Blueprint for Health.

To the Committee on Health and Welfare.

S. 247.

By Senator Lyons,

An act relating to bisphenol A.

To the Committee on Health and Welfare.

S. 248.

By Senators Lyons and Racine,

An act relating to social workers reporting animal cruelty.

To the Committee on Judiciary.

S. 249.

By Senator Lyons,

An act relating to health care career awareness and tax-free health care loan repayment.

To the Committee on Health and Welfare.

1
2
3
4
5
6
7
8
9

10
11
12
13
14
15
16
17
18
19
20

S.247

Introduced by Senator Lyons

Referred to Committee on

Date:

Subject: Health; public health; toxic substances; bisphenol A

Statement of purpose: This bill proposes to ban the manufacture, sale, and distribution of infant formula or baby food stored in a plastic container, jar, or can that contains bisphenol A (BPA) and the manufacture, sale, and distribution of any reusable food or beverage container containing BPA.

An act relating to bisphenol A

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. FINDINGS

The general assembly finds that:

(1) Bisphenol A (BPA) is a synthetic estrogen that was originally considered for use in managing challenging pregnancies. Low-dose exposure to BPA has been linked to breast cancer, prostate cancer, recurrent miscarriages, early onset puberty, reduced sperm count, delayed development, heart disease, diabetes, and obesity.

(2) Over 90 percent of the more than 100 government-funded studies of low-dose exposure to BPA have demonstrated adverse health effects.

1 (3) According to the Centers for Disease Control and Prevention, more
2 than 90 percent of Americans have detectable levels of BPA in their bodies,
3 and children have higher concentrations of BPA in their bodies than do
4 adolescents or adults.

5 (4) Approximately seven billion pounds of BPA is produced globally
6 each year for use in baby bottles, dental sealants, compact discs, water bottles,
7 food cans, and a wide variety of other items.

8 (5) BPA is one of the most frequently detected industrial chemicals in
9 groundwater and is also found in landfill leachate, surface water, sewage,
10 sludge, and treated wastewater discharge.

11 (6) The use of BPA should be limited in order to protect the health of
12 the citizens and environment of Vermont.

13 Sec. 2. 18 V.S.A. § 1512 is added to read:

14 § 1512. BISPHEENOL A

15 (a) As used in this section:

16 (1) "Baby food" means a prepared solid food consisting of a soft paste
17 or an easily chewed food that is intended for consumption by children two
18 years of age or younger and that is commercially available.

19 (2) "Bisphenol A" means an industrial chemical used primarily in the
20 manufacture of polycarbonate plastic and epoxy resins.

1 (3) "Infant formula" means a milk-based or soy-based powder,
2 concentrated liquid, or ready-to-feed substitute for human breast milk that is
3 intended for infant consumption and that is commercially available.

4 (4) "Reusable food or beverage container" means a receptacle for
5 storing food or beverages, including baby bottles, spill-proof cups, sports
6 bottles, and thermoses. The term does not include food or beverage containers
7 intended for disposal after initial usage.

8 (b) Beginning July 1, 2012, no person or entity shall manufacture, sell, or
9 distribute in commerce in this state any reusable food or beverage container
10 containing bisphenol A.

11 (c) Beginning July 1, 2012, no person or entity shall manufacture, sell, or
12 distribute in commerce in this state any infant formula or baby food stored in a
13 plastic container, jar, or can that contains bisphenol A.

14 (d) Manufacturers shall use the least toxic alternative when replacing
15 bisphenol A in accordance with this section.

16 (e) Manufacturers shall not replace bisphenol A, pursuant to this section,
17 with carcinogens rated by the U.S. Environmental Protection Agency (EPA) as
18 A, B, or C carcinogens or substances listed on the EPA's "List of Chemicals
19 Evaluated for Carcinogenic Potential" as known or likely carcinogens, known
20 to be human carcinogens, likely to be human carcinogens, or suggestive of
21 being carcinogens.

1 (f) Manufacturers shall not replace bisphenol A, pursuant to this section,
2 with reproductive toxicants that the EPA has identified as causing birth
3 defects, reproductive harm, or developmental harm.

4 (g) A violation of this section shall be deemed a violation of the Consumer
5 Fraud Act, chapter 63 of Title 9. The attorney general has the same authority
6 to make rules, conduct civil investigations, enter into assurances of
7 discontinuance, and bring civil actions, and private parties have the same rights
8 and remedies, as provided under subchapter 1 of chapter 63 of Title 9.