

SENATE BILL REPORT

2SHB 1180

As of March 23, 2009

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

Brief Description: Regarding the use of bisphenol A.

Sponsors: House Committee on General Government Appropriations (originally sponsored by Representatives Dickerson, Hudgins, Campbell, Dunshee, Pedersen, Hunt, Rolfes, Appleton, Moeller, Kagi, Van De Wege, Hunter, Cody, Chase, Green, Morrell, Pettigrew, White, Williams, Simpson and Kenney).

Brief History: Passed House: 3/05/09, 76-21.

Committee Activity: Health & Long-Term Care: 3/19/09.

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, 2010, containers made with BPA and designed to hold food and beverages, primarily for children under three years of age, and sports water bottles made with BPA may not be manufactured, sold, or distributed in Washington State.

Manufacturers must notify retailers of banned products and recall the products and reimburse the retailer or consumer who purchased them.

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.

Manufacturers, retailers, or distributors who knowingly distribute products containing BPA in violation of the chapter are subject to a civil penalty of \$5,000 for the first offense and \$10,000 for subsequent offenses.

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

Appropriation: None.

Fiscal Note: Available.

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: Several large manufacturers of baby bottles made with BPA are voluntarily producing only bottles without it, which shows there must be a problem with BPA or companies wouldn't be taking this action. The Canadian government has proposed a ban on BPA in baby bottles. We should do the same. This bill offers a reasonable approach to protecting the most vulnerable from the effects of exposure to BPA, children under age three and pregnant women. Over 100 studies have shown health impacts from BPA. Over 90 percent of the public have BPA in their urine. The substance is everywhere. Health professionals would like to make sure they are offering products that are safe to infants and children, and we can't be sure when containers made with BPA are used for food and liquids ingested by young children.

CON: The scientific evidence supporting the safety of BPA has been comprehensively examined by many government and scientific bodies worldwide. The Federal Food and Drug Administration concluded that an adequate margin of safety exists for BPA at current levels of exposure from food contact uses, for adults and infants. We know very little about the alternatives to BPA. The substance may be found in many of us, but we metabolize it quickly and it does not build up in our bodies. For many products, there are no alternatives. This should not be handled state by state. There should be a federal solution.

OTHER: There is no definition in the bill that clarifies that "BPA free" means zero amount of BPA, which the scientific community has reported is an impossible standard to meet. A de minimus exception to this standard needs to be articulated for products with trace amounts of BPA.

Persons Testifying: PRO: Representative Dickerson, prime sponsor; Nick Federici, Washington Toxics Coalition; Clifford Traisman, Washington Environmental Council, Washington Conservation Voters; Sofia Aragon, Washington State Nurses Association.

CON: Grant Nelson, Association of Washington Business; Mark Greenberg, Dr. Steve Hentges, American Chemistry Council; Caroline Silveira, Grocery Manufacturers Association; Randy Ray, Pacific Seafood Processors Association.

OTHER: Mark Johnson, Washington Retail Association; Steve Gano, Wal-Mart.