

HOUSE BILL REPORT

SSB 6248

As Passed House - Amended:
March 3, 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:

Environmental Health: 2/17/10 [DPA];

General Government Appropriations: 2/25/10 [DPA(ENVH)].

Floor Activity:

Passed House: 3/3/10, 96-1.

**Brief Summary of Substitute Bill
(As Amended by House)**

- Bans the manufacture and sale of containers made with bisphenol A designed to hold food and beverages used by children under the age of 3 years beginning July 1, 2011.
- Bans the manufacture and sale of sports bottles containing bisphenol A beginning July 1, 2012.

HOUSE COMMITTEE ON ENVIRONMENTAL HEALTH

Majority Report: Do pass as amended. Signed by 9 members: Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson, Dunshee, Finn, Hudgins and Rolfes.

Staff: Pam Madson (786-7111).

HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS

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.

Majority Report: Do pass as amended by Committee on Environmental Health. Signed by 14 members: Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Assistant Ranking Minority Member; Blake, Dunshee, Hudgins, Kenney, Klippert, Pedersen, Sells, Short, Van De Wege and Williams.

Staff: Owen Rowe (786-7391).

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 is continuing its review of current research and studies and is researching the potentially low-dose effects of BPA. The government of Canada is taking steps to restrict the use of BPA in baby bottles. Some manufacturers have discontinued the use of BPA in food and beverage products used by young children.

The Department of Ecology (DOE), in consultation with the Department of Health, has the responsibility of identifying high priority chemicals that are of concern to children.

Summary of Amended Bill:

Beginning July 1, 2011, containers designed to hold food and beverages primarily for children under 3 years of age and made using BPA may not be manufactured, sold, or distributed in Washington. Beginning July 1, 2012, sports bottles made using BPA may not be manufactured or sold in Washington. A sports bottle is a resealable, reusable container, 64 ounces or less in size, designed to hold a liquid or beverage to be consumed from the container and sold or distributed at retail without containing any liquid or beverage.

Manufacturers must notify retailers of banned products 90 days prior to the effective date of the act and recall the product, reimbursing the retailer or consumer who purchased the product.

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. Retailers who unknowingly sell products containing BPA are not subject to the civil penalties under this chapter.

All penalties are deposited in the State Toxics Control Account (Account) and expenses for this program are paid from the Account. The DOE has rule-making authority to implement, administer, and enforce this law.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Environmental Health):

(In support) There is more and more evidence coming out about the harmful effects of BPA, especially for pregnant women, fetuses, and young children. It is better to prevent health problems than have to treat people after the fact. We need to be cautious and protect those most vulnerable to BPA. There are safer alternatives available and it is appropriate to move away from use of BPA. Some manufacturers are already moving away from use of BPA. Parents should not have to worry about toxic substances being used in products they use.

(In support with amendments) There are concerns about exposure of pregnant women to BPA from the use of sports water bottles. There is increasing concern about the use of this product.

(Opposed) If BPA is banned in sports water bottles, consumers will believe that all water bottles are subject to the ban on use of BPA. It has already had an adverse affect on businesses using the larger five gallon bottle that contain water because of consumer confusion over what is banned. There is not an alternative product available for this type of water bottle using the existing delivery system. The bill should be limited to baby bottles and sippy cups. Using the term "sports water bottle" ties this amendment directly to the bottled water industry. The harm from BPA is when it is exposed to heat. Customers have a choice to use or not use products containing BPA. It is unclear what can result in a violation by a manufacturer. The FDA is looking at further study on this issue but is not saying it is unsafe.

Staff Summary of Public Testimony (General Government Appropriations):

(In support) There is no fiscal impact to the Department of Ecology this biennium. In future biennia there is a \$45,000 impact for enforcement efforts. This is an important public health bill that will have positive impacts by decreasing health care costs down the road. The amendments taken in the prior committee represent a consensus proposal.

(Opposed) None.

Persons Testifying (Environmental Health): (In support) Senator Keiser, prime sponsor; Jim White, Department of Health; Carol Kraege, Department of Ecology; Erika Schreder and Nick Federici, Washington Toxics Coalition; and Katalin Marky.

(In support with amendments) Elizabeth Davis, League of Women Voters of Washington.

(Opposed) Jim Connelly, Lodi Water Company and Northwest Bottled Water Association; Bruce Tornquist, Northwest Bottled Water Association; and Grant Nelson, Association of Washington Business.

Persons Testifying (General Government Appropriations): Nick Federici, Washington Toxics Coalition.

Persons Signed In To Testify But Not Testifying (Environmental Health): None.

Persons Signed In To Testify But Not Testifying (General Government Appropriations): None.