

# SENATE BILL REPORT

## SSB 6248

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As Amended by House, 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:** Health & Long-Term Care: 1/11/10, 1/18/10 [DPS, DNP, w/oRec].

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

Passed House: 3/03/10, 96-1.

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### 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.

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*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 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.

**House Amendment(s):** The word water was removed from sports water bottle. Sports bottle is defined as a resealable, reusable container, 64 ounces or less in size, that is designed or intended primarily to be filled with a liquid or beverage for consumption from the container, and is sold or distributed at retail without containing the beverage.

Sports bottles made with BPA are banned beginning July 1, 2012.