

SENATE BILL REPORT

SB 5282

As Reported by Senate Committee On:
Health & Long-Term Care, February 19, 2009

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

Brief Description: Regarding the use of bisphenol A.

Sponsors: Senators Keiser, Franklin, Kohl-Welles, Marr, Murray, McAuliffe, Regala, Oemig, Kilmer, Fairley, Pridemore, Ranker and McDermott.

Brief History:

Committee Activity: Health & Long-Term Care: 2/04/09, 2/19/09 [DPS, w/oRec].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5282 be substituted therefor, and the substitute bill do pass.

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

Minority Report: That it be referred without recommendation.

Signed by Senators Pflug, Ranking Minority Member; Becker and Parlette.

Staff: Rhoda Donkin (786-7465)

Background: Bisphenol A (BPA) is a chemical used in certain packaging materials such as baby bottles to harden the plastic and make them shatterproof. It has also been widely used in epoxy resins for internal protective linings for canned foods. Concerns have arisen over BPA since it has been found to migrate from these containers in small amounts into foods and beverages. Some studies on the potential health impacts of exposure to BPA indicate that high levels may have damaging health consequences. These potentially include reproductive and developmental effects. There is considerable debate over how much exposure could lead to health consequences, especially concerning infants and young children. The U.S. Food and Drug Administration continues to review current research into potential low dose effects of BPA. The Canadian government has issued regulations prohibiting the importation, sale, and advertising of baby bottles that contain 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: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): Beginning July 1, 2010, no products made with BPA and designed to hold food or beverages primarily for children under age three may be manufactured, sold, or distributed in Washington State. Other food and beverage containers made with BPA, including sports water bottles, are also prohibited.

By July 1, 2012, the Department of Ecology (DOE) must do assessments on alternatives to the use of BPA for all food and beverage containers designed for products to be consumed by people. Priority will be given to containers primarily for use by children.

Manufacturers producing products that are not banned are required to provide information about alternatives used, including any hazard characteristics of the alternative chemicals, their cost, feasibility, performance, and potential impact on human health and the environment.

If DOE finds safer alternatives to BPA, it must present these findings to the appropriate committees of the Legislature, seek public input, and publish their data in the Washington State Register. After the legislative session succeeding completion of the report, DOE must prohibit products found to contain BPA. A product may be banned only if there is at least one product available that uses a safer alternative approved by the federal Food and Drug Administration.

A manufacturer that produces, sells, or distributes a product that is prohibited under this act, must recall the product and reimburse the retailer or other purchaser for the product. A manufacturer who fails to provide required information may be subject to a civil penalty not to exceed \$5,000 for each violation.

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: BPA is a synthetic hormone and has been around for a long time. There is so much more of it in the environment now than there used to be that 95 percent of people tested have it in their urine. It leaches from the plastics it's used in, and there are studies that show it causes insulin resistance in animals, and is linked with impacts on calcium uptake. We are finding evidence of its effects in wildlife and in the environment. We are asking that just a small part of the plastics industry eliminate the chemical from its products, because exposure to young children can be irreversible. We know that birth to age three are critical for health development. We should be striving to eliminate toxics from their environment. Nurses and all health care providers want to be sure the products we give moms are safe.

CON: There is no substitute for BPA in the production of large bottled water. BPA has been studied for 50 years. We know a lot about it. Any substitute would be relatively new, and we won't have any meaningful data base about its effects. BPA has been critical in allowing for the sterile, safe production of canned goods. If it is prohibited in canned foods, we will revert to a time when cans can't be trusted for safety from contamination. BPA will outperform any other substance used for packaging food for disaster relief. Using any alternative will change the shelf life of processed foods. There is no data that proves BPA is harmful. The timelines are unrealistic in this bill.

Persons Testifying: PRO: Dr. Barry Lawsen, Washington Academy of Pediatrics; Karen Bowman, Washington Occupational Health Nurse, Washington Nurses Association; Enka Schreder, Washington Toxics Coalition; Heather Trim, People for Puget Sound; Elizabeth Davis, League of Women Voters; Blair Admundsen, WashPIRG; Joellen Wilhelm, citizen.

CON: Calli Daly, NW Food Processors; Bruce Tornquist, NW Bottled Water Association; Bill Hoyle NAMPA; Randy Ray, Pacific Seafood Processors Association; Brad Tower, Northwest Grocery Association; Mark Johnson, Washington Retail Association.