

SENATE No. 432

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to protect children from bisphenol-A.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	Second Middlesex and Norfolk
Linda Dorcena Forry	12th Suffolk
Frank I. Smizik	15th Norfolk
Jonathan Hecht	29th Middlesex
Tom Sannicandro	7th Middlesex
Patricia D. Jehlen	Second Middlesex
William N. Brownsberger	24th Middlesex
Steven A. Tolman	Second Suffolk and Middlesex
Lori Ehrlich	8th Essex
Marc R. Pacheco	First Plymouth and Bristol
John W. Scibak	2nd Hampshire
Thomas M. McGee	Third Essex and Middlesex
Cory Atkins	14th Middlesex
Alice K. Wolf	25th Middlesex
Stephen Kulik	1st Franklin
Barbara A. L'Italien	18th Essex
Christine E. Canavan	10th Plymouth
Thomas M. Stanley	9th Middlesex
Denise Provost	27th Middlesex

Ellen Story	3rd Hampshire
Geraldine Creedon	11th Plymouth
Michael F. Rush	10th Suffolk
Ruth B. Balser	12th Middlesex
Timothy J. Toomey, Jr.	26th Middlesex
John P. Fresolo	16th Worcester
Mark V. Falzone	9th Essex
Louis L. Kafka	8th Norfolk
James J. O'Day	14th Worcester District

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S00545 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO PROTECT CHILDREN FROM BISPHENOL-A.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 **SECTION 1.** Preamble

2 Whereas, Article 97 of the Constitution of Massachusetts provides that the people shall have the
3 right to clean air and water; and

4 Whereas, more than 80,000 synthetic chemicals have been produced for use in the U.S since
5 World War II, yet very few were ever adequately tested for their potential impact on our health. The
6 substances have contaminated the air we breathe, the water and food we consume, everyday products, our
7 homes, schools, workplaces, and therefore end up in our bodies; and

8 Whereas, scientific evidence increasingly links many chronic diseases with repeated and
9 increased exposure to toxic substances. These diseases and disorders include: asthma, autism, birth
10 defects, cancers, developmental disabilities, diabetes, endometriosis, infertility, Parkinson's disease, and
11 others; and

12 Whereas, a US Centers for Disease Controls study found that 95% of Americans have detectable
13 levels of bisphenol-A in their bodies. In a recent CDC study the observed levels detected were at and
14 above the concentrations known to reliably cause adverse effects in laboratory experiments.

15 Whereas, more than 130 studies suggest that bisphenol-A exposure at very low doses is linked to
16 a staggering number of health problems, including prostate and breast cancer, obesity, attention deficit
17 and hyperactivity disorder, brain damage, altered immune system, lowered sperm counts, and early
18 puberty.

19 Whereas, numerous studies show that polycarbonate plastics break down and leach bisphenol-A
20 into food or beverages in contact with the plastics.

21 Whereas, with regard to many other toxic substances, the current regulatory system has failed to
22 protect health and environment due to fundamental flaws, namely that it places high burdens on
23 government to act, primarily after the damage is done rather than by prevention through seeking the safest
24 alternatives to toxics as they become available.

25 Whereas, the current regulatory system for toxic chemicals has particularly failed to protect
26 vulnerable populations: the developing fetus and child; people who are vulnerable due to health
27 conditions or genetic predispositions; and low-income communities or disadvantaged workers who are
28 overburdened with greater exposure to these toxic substances.

29 Whereas, Massachusetts is already a leader on environmental health policy as a result of the
30 Toxics Use Reduction Act (TURA), which shows that there are many benefits to businesses and the
31 economy by implementing safer alternatives for toxic chemicals; however that such act has failed to
32 address the broader need to substantially reduce the use of harmful chemicals in products used in
33 workplaces and homes even though safer alternatives are often available.

34 Whereas, growing children are particularly at risk to chemicals in their environment because they face
35 greater exposure and are physiologically more susceptible to them and because growing children are
36 particularly at risk from exposure, precautionary measures must be taken to protect children from such
37 exposure from products they use everyday.

38 **SECTION 2.** Purpose

39 It is hereby resolved, that the policy goals of this Act shall be to prohibit the manufacture, sale or
40 distribution in commerce of any toy or child care article that is intended for use by a child under 3 years
41 of age if that product contains bisphenol-A.

42 This bill would require manufacturers to use the least toxic alternative when replacing bisphenol-
43 A in their products and would prohibit manufacturers from replacing bisphenol-A with certain
44 carcinogens and reproductive toxicants.

45 **SECTION 3.** Chapter 94B of the General Laws, as appearing in the 2006 official edition, is
46 hereby amended by adding section 22 the following section:- section 23

47 Section 23. 1. Definitions

48 The following words as used in this section shall have the following meanings:-

49 “Child care article” means all products designed or intended by the manufacturer to facilitate
50 sleep, relaxation, or the feeding of children or to help children with sucking or teething.

51 “Toy” means all products designed or intended by the manufacturer to be used by children when
52 they play.

53 2. Bisphenol-A

54 (a) Bisphenol-A, an estrogen-mimicking hormone disrupting chemical, is used in the production of
55 epoxy resins and is the main ingredient in hard polycarbonate plastics. These plastics are used in
56 food and drink packaging applications and in cans, bottle tops, and water supply pipes.

57 (b) Bisphenol-A is used in many products intended for use by young children, including but not
58 limited to, toys and baby bottles;

59 (c) Commencing January 1, 2010, no person or entity shall manufacture, sell or distribute toys or
60 child care items in Massachusetts containing bisphenol-A.

61 3. Alternatives to Bisphenol-A

62 (a) Manufacturers shall use the least toxic alternative when replacing bisphenol-A in accordance with
63 this chapter.

64 (b) Manufacturers shall not replace bisphenol-A, pursuant to this chapter, with carcinogens rated by
65 the United States Environmental Protection Agency as A, B, OR C carcinogens, known to be
66 human carcinogens, likely to be human carcinogens, or suggestive of being human carcinogens,
67 as described in the “List of Chemicals Evaluated for Carcinogenic Potential.”

68 (c) Manufacturers shall not replace bisphenol-A, pursuant to this chapter, with reproductive toxicants
69 that cause birth defects, reproductive harm, or developmental harm as identified by the United
70 States Environmental Protection Agency.