

# SENATE BILL REPORT

## 2SHB 1180

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As Reported by Senate Committee On:  
Health & Long-Term Care, February 22, 2010

**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; 1/25/10, 95-1.

**Committee Activity:** Health & Long-Term Care: 3/19/09, 2/17/10, 2/22/10 [DPA, DNP, w/oRec].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass as amended.

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 Bill (Recommended Amendments):** Beginning July 1, 2011, 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. Metal cans are exempt from this ban.

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

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.

All penalties are deposited in the State Toxics Control Account and expenses for this program are paid from the account.

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

**EFFECT OF CHANGES MADE BY HEALTH & LONG-TERM CARE COMMITTEE (Recommended Amendments):** The beginning date of 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 is changed to July 1, 2011.

**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: Recent Federal Food and Drug Administration position on BPA shows concern about BPA on the brain, behavior, and prostate gland in fetuses, infants, and young children. We should take this reasonable step and remove the possibility of health impacts on our most vulnerable citizens – children. National toxics studies have shown widespread exposure and enough potential for health impacts that we should use available alternatives to BPA and reduce our exposure. Including sports water bottles is important because pregnant women need to drink a lot and they are using these bottles all the time. As a new mom, I had no idea that heating formula for my baby and drinking water from a plastic bottle was introducing BPA to my newborn. We need to be protected from toxins and just because we aren't seeing the devastating impacts yet, why wait? Parents shouldn't have to be experts on BPA to be protect our children from harm.

CON: The FDA studies are far from complete. The agency has never said that BPA is dangerous or that it should be banned. Industry is already moving away from using BPA – we should be supporting this, not banning things when there is no certainty of their dangers. If water bottles are included, the public is going to assume that drinking out of a any plastic bottle is dangerous, including large water bottles, and our industry will suffer enormously.

We have supplied water to disaster areas both in Washington state and elsewhere. If you include water bottles in this bill we will go out of business and so will another resource for disaster relief. Protecting pregnant women should be a doctor's concern. As adults, we should be able to decide what we want to drink and where we get it. The market picks up on consumer will and adjusts when people are concerned about products. Change should happen that way, and already has.

**Persons Testifying:** PRO: Representative Dickerson, prime sponsor; Carol Kraege, Department of Ecology; Jim White, Department of Health; Erika Schrader, Nick Federici, Washington Toxics Coalition; Elizabeth Davis, League of Women Voters; Sophia Aragon, Washington State Nurses Association; Katalin Marky, mother; Blair Arundson, WashPIRG.

CON: Bruce Tornquist, Northwest Bottled Water Association; Jim Connelly, Ludi Water Company; Grant Nelson, Association of Washington Businesses.