

SENATE No.

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:

Karen E. Spilka

DISTRICT/ADDRESS:

Second Middlesex and Norfolk

[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 right to
3 clean air and water; and

4

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

9

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

14

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

18

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

23

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

26

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

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

35

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

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

45

46 **SECTION 2. Purpose**

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

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

54

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

57

58 Section 23. 1. Definitions

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

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

64

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

67

68 2. Bisphenol-A

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

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

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

76

77 3. Alternatives to Bisphenol-A

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

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

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

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