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## A BILL FOR AN ACT

PROTECTING CHILDREN FROM CERTAIN TOXIC PRODUCTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that chronic diseases  
2 such as asthma, autism, birth defects, cancers, developmental  
3 disabilities, diabetes, endometriosis, infertility, and  
4 Parkinson's disease, are increasingly linked with repeated and  
5 increased exposure to toxic substances. Growing children are  
6 particularly at risk to chemicals in their environment, as they  
7 face greater exposure per pound of body weight and are  
8 physiologically more susceptible to chemicals. Precautionary  
9 measures must be taken to protect them.

10           A recent United States Centers for Disease Control and  
11 Prevention study found that ninety-five per cent of Americans  
12 have detectable levels of bisphenol-A in their bodies. The  
13 observed levels of bisphenol-A were within the range of  
14 concentrations known to reliably cause adverse effects in  
15 laboratory experiments. More than one hundred thirty studies  
16 suggest that bisphenol-A exposure at very low doses is linked to  
17 a staggering number of health problems, including prostate and  
18 breast cancer, obesity, attention deficit and hyperactivity



1 disorder, brain damage, altered immune system, lowered sperm  
2 counts, and early puberty. Numerous studies show that  
3 polycarbonate plastics break down and leach bisphenol-A into  
4 food or beverages in contact with the plastics.

5 Scientific evidence also shows that phthalates of concern  
6 are found in humans at levels associated with adverse effects.  
7 Population studies show that virtually everyone carries some  
8 level of phthalates in their body. The European Union and many  
9 countries have restricted the use of phthalates in children's  
10 toys. The European Union has banned di-2-ethyl hexyl phthalate,  
11 di-n-butyl phthalate, and butyl benzyl phthalate in all toys and  
12 child care articles and diisononyl phthalate, diisodecyl  
13 phthalate, and di-n-octyl phthalate in toys and child care  
14 articles that can be put in the mouth. Prior to the European  
15 Union ban, the following countries had also banned phthalates in  
16 children's toys: Argentina, Austria, Cyprus, Czech Republic,  
17 Denmark, Fiji, Finland, Germany, Greece, Italy, Japan, Mexico,  
18 Norway and Sweden.

19 The purpose of this Act is to prohibit the manufacture,  
20 sale, or distribution of products for young children containing  
21 bisphenol-A or phthalates and to require manufacturers to choose  
22 safe alternatives.



1 SECTION 2. Chapter 321, Hawaii Revised Statutes is amended  
2 by adding a new part to be appropriately designated and to read  
3 as follows:

4 "§ -1 **Definitions.** As used in this chapter:

5 "Bisphenol-A" refers to an estrogen-mimicking endocrine  
6 disrupter chemical used in the production of epoxy resins and  
7 polycarbonate plastics and is the main ingredient in hard  
8 polycarbonate plastics.

9 "Child care article" means all products designed or  
10 intended by the manufacturer to facilitate sleep, relaxation, or  
11 the feeding of children or to help children with sucking or  
12 teething.

13 "Phthalates," or phthalate esters, are a group of chemical  
14 compounds that are mainly used to plasticize some food  
15 containers, plastic wrap, toys, shampoos, perfumes, and beauty  
16 products.

17 "Toy" means all products designed or intended by the  
18 manufacturer to be used by children when they play.

19 § -2 **Prohibition of manufacture, sale, or distribution.**

20 Beginning January 1, 2009, no person or entity shall  
21 manufacture, sell, or distribute in commerce any toy or child  
22 care article that fits any of the following:



- 1 (1) Intended for use by a child under 3 years of age and  
2 contains bisphenol-A;
- 3 (2) Contains di-2-ethyl hexyl phthalate, di-n-butyl  
4 phthalate, or butyl benzyl phthalate in concentrations  
5 exceeding 0.1 per cent; or
- 6 (3) Intended for use by a child under 3 years of age, can  
7 be placed in the child's mouth, and contains  
8 diisononyl phthalate, diisodecyl phthalate, or di-n-  
9 octyl phthalate in concentrations exceeding 0.1 per  
10 cent.

11 § -3 Alternatives to bisphenol-A and phthalates.

12 Manufacturers shall use the least toxic alternative when  
13 replacing bisphenol-A and phthalates in accordance with this  
14 chapter. Manufacturers shall not replace bisphenol-A and  
15 phthalates, pursuant to this chapter, with either:

- 16 (1) Carcinogens rated as A, B, or C carcinogens in the  
17 United States Environmental Protection Agency's list  
18 of chemicals evaluated for carcinogenic potential, or
- 19 (2) Reproductive toxicants that cause birth defects,  
20 reproductive harm, or developmental harm as identified  
21 by the United States Environmental Protection Agency."



1 SECTION 3. This Act shall take effect upon its approval.

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**Report Title:**

Protect Children from Toxic Products

**Description:**

Prohibits the manufacturing, sale, or distribution of toys and child care articles containing certain toxic chemicals and requires manufacturers to use the least toxic alternatives.

