

MEMORANDUM - February 11, 2008

To: The Honorable Josh Green, Chair
Members, House Health Committee

From: Marian Stanley
Phthalate Esters Panel of the American Chemistry Council

The Phthalate Esters Panel of the American Chemistry Council is opposed to HB 2187, legislation that would ban the use of “phthalates” in a wide range of consumer products that are intended for use by children. ACC believes that HB 2187 contradicts the significant body of credible scientific research that affirms the safety of phthalates, including their use in consumer products.

Phthalates are commonly used to make vinyl soft and flexible, without sacrificing its durability. They are used as softeners in toys, cars and products found in the home, businesses, and hospitals. Comprehensive reviews of the scientific evidence on phthalates have found no scientific basis to restrict these materials:

- ✓ In a peer reviewed health risk study, the **US Consumer Product Safety Commission (CPSC)** found “**no demonstrated health risk**” from the primary phthalate in children’s toys (DINP) and “**no justification**” for banning its use. In fact, the CPSC said “If DINP is to be replaced in children’s products, whether on a mandatory or voluntary basis, the potential risks of the substitutes must be considered. **Weaker or more brittle plastics might break and result in a choking hazard.**” The CPSC declined to even issue a health alert regarding phthalates in vinyl toys.
- ✓ The **European Union**, following the release of a 10-year risk assessment of various phthalates concluded that DINP was “**unlikely to pose a risk to consumers**” which **included assessing impact on adults, children and infants.**
- ✓ **The National Toxicology Program**, an arm of the **U.S. National Institutes of Health**, assessed both DINP and DIDP and concluded both phthalates are of “**minimal concern**” for all age groups.
- ✓ Data from the **Centers for Disease Control and Prevention (CDC)** show that the average human exposure to DINP is far below safety levels set by the U.S. government.

Other phthalates that would be banned are rarely if ever used in children’s toys. Attached to this memo are more information about phthalates and the various safety assessments that have been conducted. If you have any questions or comments, please contact me at 703-741-5623 or via email at marian_stanley@americanchemistry.com. I thank you in advance for considering our views.

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February 11, 2008

The Honorable Josh Green, Chair
Members, House Health Committee

Re: Opposition to HB 2187

Dear Representative Green and Members of the Committee:

I am writing to express opposition to HB 2187, a bill that proposes to prohibit toys and child care articles that contain bisphenol A. My interest in this matter is due to my role as the Executive Director of the Polycarbonate/BPA Global Group, which consists of the leading global manufacturers of polycarbonate plastic and epoxy resins. The safety of these materials is our highest priority and our group is focused entirely on the health and environmental aspects of polycarbonate plastic and bisphenol A.

As summarized in this letter and attachments, bisphenol A has been safely used for 50 years to make shatter-resistant polycarbonate plastic and versatile epoxy resins. Both of these materials have an equally long history of safe use in a wide array of products that are valued by consumers worldwide. There is no basis in science to prohibit any of these products and bisphenol A is not banned or restricted anywhere in the world.

Examples of the many products that rely on these materials, including many that are designed to protect the health and safety of children, are provided in Attachment 1. Notable examples of children's products made from shatter-resistant polycarbonate plastic include baby bottles and related feeding products (e.g., sippy cups); sports safety equipment such as helmets and visors; and eyeglass lenses, incubators and components of life-saving medical devices.

Epoxy resins provide an important public health benefit as the protective coating used in nearly all food and beverage cans. These coatings protect the safety and integrity of canned foods by preventing contamination of food by corroded metal. Epoxy resins are also widely used to protect the integrity of circuit boards that are used in toys and other electronic products for children.

Over the last 50 years, bisphenol A has become one of the best studied and tested of all substances. We have an extraordinarily rich scientific database available to assess the safety of bisphenol A and, most importantly, the science has been reviewed by independent scientific and government bodies worldwide.

As summarized in Attachment 2, these reviews, in every case, support the conclusion that bisphenol A is not a risk to human health. Based on these reviews, bisphenol A is not banned or



restricted anywhere in the world. Products made from polycarbonate plastic and epoxy resins are accepted as safe for use, and are widely used, around the world.

Notable examples that are of particular relevance to children's products include:

- US Food and Drug Administration (FDA)

FDA has made several recent statements on the safety of bisphenol A, based on their review of the science, with the following conclusions:

“FDA has confidence that no safety concern exists for BPA in regulated food contact materials. Furthermore, FDA has determined that the use of polycarbonate-based baby bottles and BPA-based epoxy coated cans used to hold infant formula is safe.” (July 2007)

“Considering all the evidence, including the very low dietary exposure to BPA (3.7 ppb) based on measurements by FDA chemists of levels found in canned foods or migrating from baby bottles, and the fact that bisphenol-A has not demonstrated adverse effects when consumed by animals in amounts far higher (orders of magnitude) than humans would consume, FDA sees no reason at this time to ban or otherwise restrict the uses now authorized.” (November 2007)

“BPA has been used in consumer products for over 50 years. In that time, there has been no evidence that BPA is harmful to humans, either as the result of dietary intake or industrial worker exposures.” (December 2007)

- European Food Safety Authority (EFSA)

In a comprehensive report released one year ago, a panel of 21 independent scientific experts from throughout the EU reaffirmed the safety of bisphenol A based on the most up-to-date scientific information available. Based on this evaluation, food contact products such as polycarbonate baby bottles are accepted as safe for use, and are used, throughout Europe with no restrictions.

I encourage you to carefully consider the information included in this letter as you review HB 2187. Please feel free to contact me if you have any questions or need additional information.

Regards,



Steven G. Hentges, Ph.D.
Executive Director
Polycarbonate/BPA Global Group



MEMORANDUM - February 11, 2008

To: The Honorable Josh Green, Chair
Members, House Health Committee

From: Tim Shestek
Director, State Affairs and Grassroots
American Chemistry Council

Re: **HB 2187 – OPPOSE**

On behalf of the American Chemistry Council (ACC), I am writing to convey our opposition to HB 2187, legislation that seeks to ban two distinct chemicals – phthalates and bisphenol-A – from a wide range of popular consumer products that are intended for use by children. Attached to this cover memo is information about each of these specific chemicals, including an overview of the products in which they are used, as well as the comprehensive scientifically-based safety assessments that have been conducted affirming these products are safe as used.

Public health and safety is of the foremost concern for ACC and its member companies and the safety of consumer products is of the utmost concern to everyone; however arbitrarily banning chemicals through the legislative process would create a dangerous public policy precedent.

ACC would be please to schedule in-depth briefing with relevant scientific experts to review the safety of these products if you would desire. I thank you in advance for considering our comments and look forward to working with you on this important public policy issue.

If you have any questions or comments, please feel free to contact me at 916-448-2581 or via email at tim_shestek@americanchemistry.com.

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Hawaii Restaurant Association

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February 10, 2008

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Please copy and send to meeting of Committee on Health scheduled for Wednesday, February 13, 2008 at 8:00 AM in House Conference Room 320.

TO: Chair Josh Green, MD
Committee on Health
House of Representatives
415 S. Beretania Street
Honolulu, HI 96813

RE: HB 2187 – Relating to Toxic Products

Chairman Green and Members of the House Committee on Health:

On behalf of the Hawaii Restaurant Association, I am writing in opposition to HB 2187 dealing with Toxic Products.

The Hawaii Restaurant Association supports the intent of this bill in promoting safety for Hawaii's keiki; however, the time line of January 1, 2009 contained in the bill is not reasonable and would be impossible for a business or manufacturer to comply with in less than a year. Therefore, the HRA recommends that the time line be pushed back to at least 2012.

Mahalo,

Gail Chew
Executive Director

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