
A BILL FOR AN ACT

RELATING TO 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 to 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 results in
15 laboratory experiments. Government toxicologists in The
16 National Toxicology Program, including scientists from the
17 National Institutes of Health and other agencies, have expressed
18 concern that bisphenol A can cause developmental problems in the



1 brain and hormonal systems of infants and children.
2 Toxicologists based their findings on studies conducted on
3 animals and could not dismiss the possibility that the effects
4 in animals may occur in humans.

5 More than one hundred thirty studies have suggested that
6 bisphenol-A exposure, even in very low doses, is linked to a
7 staggering number of health problems, including prostate cancer,
8 breast cancer, obesity, attention deficit and hyperactivity
9 disorder, brain damage, altered immune system, lowered sperm
10 count, and premature puberty. Numerous studies have shown that
11 polycarbonate plastics break down and leach bisphenol-A into
12 food or beverages in contact with the plastics.

13 Scientific evidence has also shown that phthalates are
14 found in humans at levels associated with adverse effects.
15 Population studies show that virtually everyone carries some
16 level of phthalates in their body. The European Union and many
17 countries have restricted the use of phthalates in children's
18 toys. The European Union has banned di-2-ethyl hexyl phthalate,
19 di-n-butyl phthalate, and butyl benzyl phthalate in all toys and
20 child care articles and diisononyl phthalate, diisodecyl
21 phthalate, and di-n-octyl phthalate in toys and child care
22 articles small enough for a child's mouth. Prior to the



1 European Union ban, the following countries had also banned
2 phthalates in children's toys: Argentina, Austria, Cyprus,
3 Czech Republic, Denmark, Fiji, Finland, Germany, Greece, Italy,
4 Japan, Mexico, Norway, and Sweden.

5 The purpose of this Act is to ensure the health and safety
6 of children by prohibiting the manufacture, sale, and
7 distribution of products for young children that contain
8 bisphenol-A or phthalates and requiring manufacturers to choose
9 safe alternatives.

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

13 **"PART . INFANT AND TODDLER SAFETY**

14 **§321- Definitions.** As used in this part, unless the
15 context otherwise requires:

16 "Bisphenol-A" refers to an estrogen-mimicking endocrine
17 disrupter chemical used in the production of epoxy resins and
18 polycarbonate plastics.

19 "Child care article" means all products designed or
20 intended by a manufacturer to facilitate sleep, relaxation, or
21 the feeding of children or to help children with sucking or
22 teething.



1 "Phthalates" and "phthalate esters" refer to a group of
2 chemical compounds that are used mainly to plasticize food
3 containers, plastic wrap, toys, shampoos, perfumes, and beauty
4 products.

5 "Toy" means a product designed or intended by a
6 manufacturer to be used by children for recreational purposes.

7 **§321- Prohibition of manufacture, sale, or**
8 **distribution.** Beginning January 1, 2010, no person or legal
9 entity shall manufacture, sell, or distribute any toy or child
10 care article that is:

- 11 (1) Intended for use by a child under three years of age
12 and contains bisphenol-A;
- 13 (2) Contains di-2-ethyl hexyl phthalate, di-n-butyl
14 phthalate, or butyl benzyl phthalate in concentrations
15 exceeding 0.1 per cent; or
- 16 (3) Intended for use by a child under three years of age,
17 is small enough to be placed in a child's mouth, and
18 contains diisononyl phthalate, diisodecyl phthalate,
19 or di-n-octyl phthalate in concentrations exceeding
20 0.1 per cent.

21 **§321- Alternatives to bisphenol-A and phthalates.**

22 Manufacturers shall use the least toxic alternative when



1 replacing bisphenol-A and phthalates in accordance with this
 2 part. Manufacturers shall not replace bisphenol-A and
 3 phthalates, pursuant to this part, with either:

4 (1) Carcinogens rated as A, B, or C by the United States
 5 Environmental Protection Agency's list of chemicals
 6 evaluated for carcinogenic potential; or

7 (2) Reproductive toxicants that cause birth defects,
 8 reproductive harm, or developmental harm as identified
 9 by the United States Environmental Protection Agency."

10 SECTION 3. This Act shall take effect on July 1, 2009.

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JAN 28 2009



Report Title:

Children; Toxic Substances; Bisphenol-A, Phthalates

Description:

Prohibits the manufacture, sale, or distribution of products for young children that contain bisphenol-A or phthalates. Requires manufacturers to choose safe alternatives.

