

JAN 21 2011

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 study by the United States Centers for Disease
11 Control and Prevention found that ninety-five per cent of
12 Americans have detectable levels of bisphenol-A in their bodies.
13 Children were found to have higher levels than adults. The
14 observed levels of bisphenol-A were within the range of
15 concentrations known to reliably cause adverse results in
16 laboratory experiments. Government toxicologists in the
17 national toxicology program, including scientists from the
18 National Institutes of Health and other agencies, have expressed



1 concern that bisphenol-A can cause developmental problems in the
2 brain and hormonal systems of infants and children.

3 Toxicologists based their findings on studies conducted on
4 animals and could not dismiss the possibility that the effects
5 in animals may occur in humans.

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

14 The United States Food and Drug Administration recently
15 announced that it believes there is reason for concern about the
16 effects of bisphenol-A on children. Accordingly, the Food and
17 Drug Administration is taking interim steps to work with the
18 plastics industry to reduce exposure, including minimizing the
19 amounts currently used in products and searching for
20 substitutes. Several other government agencies, including the
21 Centers for Disease Control, are increasing research on the
22 health effects of bisphenol-A. The Environmental Protection



1 Agency is preparing action plans that include bisphenol-A, and
2 the National Institute of Environmental Health Sciences is
3 providing \$30,000,000 over two years for private and public
4 research.

5 Health Canada conducted a risk assessment that concluded
6 that there is concern about neurological development problems
7 from exposure of infants and small children to bisphenol-A. As
8 a result, Canada has banned the use of bisphenol-A in baby
9 bottles and is restricting its use in infant formula cans. In
10 the United States, Maryland, Minnesota, Connecticut, Wisconsin,
11 Vermont, Washington, and New York have banned the sale in those
12 states of childrens' bottles and drinking cups that contain
13 bisphenol-A.

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



1 phthalate in toys and child care articles small enough for a
2 child's mouth. Prior to the European Union ban, the following
3 countries had also banned phthalates in children's toys:
4 Argentina, Austria, Cyprus, Czech Republic, Denmark, Fiji,
5 Finland, Germany, Greece, Italy, Japan, Mexico, Norway, and
6 Sweden.

7 The legislature finds that it is in the best interest of
8 Hawaii's children to significantly reduce their exposure to
9 bisphenol- A and phthalates as early as possible, and
10 ultimately, eliminate exposure altogether. The purpose of this
11 Act is to ensure the health and safety of children by
12 prohibiting the manufacture, sale, and distribution of food and
13 drink containers for young children that contain bisphenol-A or
14 phthalates and requiring manufacturers to choose safe
15 alternatives.

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

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

20 **§321- Short title.** This part shall be known, and may
21 be cited, as the Toxin-Free Keiki Act.



1 **§321- Definitions.** As used in this part, unless the
2 context otherwise requires:

3 "Bisphenol-A" refers to an estrogen-mimicking endocrine
4 disrupter chemical used in the production of epoxy resins and
5 polycarbonate plastics.

6 "Child care article" means an empty food or drink container
7 that is designed and intended by the manufacturer to be filled
8 with food or liquid and to be used by a child.

9 "Phthalates" and "phthalate esters" refer to a group of
10 chemical compounds that are used mainly to plasticize food and
11 drink containers, plastic wrap, shampoos, perfumes, and beauty
12 products.

13 **§321- Prohibition of manufacture, sale, or**
14 **distribution.** Beginning January 1, 2012, no person or legal
15 entity shall manufacture, sell, or distribute any child care
16 article in the State that is:

- 17 (1) Intended for use by a child under three years of age
18 and contains bisphenol-A;
- 19 (2) Contains di-2-ethyl hexyl phthalate, di-n-butyl
20 phthalate, or butyl benzyl phthalate in concentrations
21 exceeding 0.1 per cent; or



1 (3) Intended for use by a child under three years of age,
 2 and contains diisononyl phthalate, diisodecyl
 3 phthalate, or di-n-octyl phthalate in concentrations
 4 exceeding 0.1 per cent.

5 **§321- Alternatives to bisphenol-A and phthalates.**

6 Manufacturers shall use the least toxic alternative when
 7 replacing bisphenol-A and phthalates in accordance with this
 8 part. Manufacturers shall not replace bisphenol-A and
 9 phthalates, pursuant to this part, with either:

- 10 (1) Carcinogens rated as A, B, or C by the United States
 11 Environmental Protection Agency's list of chemicals
 12 evaluated for carcinogenic potential; or
 13 (2) Reproductive toxicants that cause birth defects,
 14 reproductive harm, or developmental harm as identified
 15 by the United States Environmental Protection Agency."

16 SECTION 3. This Act shall take effect on July 1, 2011.

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Report Title:

Toxic Products; Infant and Child Safety

Description:

Prohibits the manufacturing, sale, or distribution of drink and food containers for young children containing certain toxic chemicals and requires manufacturers to use the least toxic alternatives.

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