
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-three 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 reliably known to 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 now lists bisphenol-A as a toxic substance and
9 has banned its use in baby bottles. Canada also restricts its
10 use in infant formula cans. In the United States, Connecticut,
11 Maryland, Massachusetts, Minnesota, New York, Vermont,
12 Washington, and Wisconsin have banned the sale of children's
13 bottles and drinking cups that contain 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. Further, children and
18 infants have higher levels of phthalates in their bodies.
19 California prohibits the manufacture, sale, or distribution of
20 products for young children containing more than one-tenth of
21 one per cent of phthalates. The European Union and many
22 individual countries have restricted the use of phthalates in



1 children's toys. More specifically, the European Union has
2 banned di-2-ethyl hexyl phthalate, di-n-butyl phthalate, and
3 butyl benzyl phthalate in all toys and child care articles. It
4 has also banned diisononyl phthalate, diisodecyl phthalate, and
5 di-n-octyl phthalate in toys and child care articles small
6 enough for a child's mouth. Before the European Union ban, the
7 following countries had also banned phthalates in children's
8 toys: Argentina, Australia, Austria, Cyprus, Czech Republic,
9 Denmark, Fiji, Finland, Germany, Greece, Italy, Japan, Mexico,
10 Norway, Portugal, Sweden, and Tunisia.

11 The legislature further finds that it is in the best
12 interest of Hawaii's children to significantly reduce their
13 exposure to bisphenol-A and phthalates as early as possible, and
14 ultimately, eliminate exposure altogether.

15 The purpose of this Act is to ensure the health and safety
16 of children by prohibiting the manufacture, sale, and
17 distribution of food and drink containers for young children
18 that contain bisphenol-A or phthalates and requiring
19 manufacturers to choose safe alternatives.

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



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

2 **§321- Short title.** This part shall be known, and may
3 be cited, as the Toxin-Free Keiki Act.

4 **§321- Definitions.** As used in this part, unless the
5 context otherwise requires:

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

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

13 "Phthalates" refers to a group of chemical compounds that
14 are used mainly to plasticize food and drink containers, plastic
15 wrap, shampoos, perfumes, and beauty products.

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

18 **§321- Prohibition of manufacture, sale, or**
19 **distribution; bisphenol-A, phthalates.** Beginning January 1,
20 2013, no person or legal entity shall manufacture, sell, or
21 distribute any toy or child care article in the State that is:



- 1 (1) Intended for use by a child under three years of age
2 and contains bisphenol-A;
- 3 (2) Contains di-2-ethyl hexyl phthalate, di-n-butyl
4 phthalate, or butyl benzyl phthalate in concentrations
5 exceeding one-tenth of one per cent; or
- 6 (3) Intended for use by a child under three years of age
7 and contains diisononyl phthalate, diisodecyl
8 phthalate, or di-n-octyl phthalate in concentrations
9 exceeding one-tenth of one per cent.

10 **§321- Alternatives to bisphenol-A and phthalates.**

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

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

21



H.B. NO. 1934

1 SECTION 3. This Act shall take effect on July 1, 2012.

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INTRODUCED BY: _____

[Handwritten Signature]

JAN 17 2012



H.B. NO. 1934

Report Title:

Children; Products Containing Toxic Substances

Description:

Prohibits the manufacture, sale, and distribution of products for young children that contain bisphenol-A or phthalates. Requires manufacturers to use the least toxic alternatives to bisphenol-A and phthalates.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

