



LATE

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

COMMITTEE ON CONSUMER PROTECTION & COMMERCE

H.B. 396, H.D.1, RELATING TO TOXIC PRODUCTS

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.
Director of Health**

**February 20, 2013
3:00 P.M.**

1 **Department's Position:** The Department of Health supports this measure.

2 **Fiscal Implications:** None to DOH.

3 **Purpose and Justification:** HB396, HD1 seeks to prohibit the manufacture, sale, and distribution of
4 reusable drink and food containers for use by children under three containing bisphenol-A (BPA). The
5 Department agrees with the need to protect young children from exposure to this persistent and
6 potentially toxic compound. In July 2012, the United States Food and Drug Administration banned the
7 use of BPA in infant feeding bottles and spill-proof cups.

8 Studies have found that BPA in plastics can transfer to food and liquids, especially when the
9 liquid is hot. Some states have banned BPA in children's bottles and drinking cups while others have
10 expanded the ban to reusable food and drink containers intended for use by young children. The
11 Department supports this measure to add Hawaii to the growing list of states banning the use of BPA in
12 reusable food and drink containers for young children. This law will protect our most vulnerable
13 population from this potentially harmful chemical.

14 Thank you for the opportunity to testify on this important measure.



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HOUSE COMMITTEE ON HEALTH

January 30, 2013, 8:30 A.M.
(Testimony is 2 pages long)

TESTIMONY IN SUPPORT OF HB 396 HD1 WITH PROPOSED AMENDMENTS

Aloha Chair McKelvey and Members of the Committee:

The Sierra Club, Hawaii Chapter, with over 10,000 dues paying members and supporters statewide, respectfully **supports** HB 396 HD1. This measure prohibits the manufacture, sale, or distribution of containers for *keiki* containing bisphenol A.

BPA is a known hormone disrupter. The National Institutes of Health is concerned that childhood exposure to BPA may lead to problems with brain development, behavior, early puberty, breast cancer, and prostate cancer. New research has also suggested that BPA may interfere with metabolism and lead to obesity, heart disease, and diabetes in humans.

At least seven states have enacted statutes prohibiting the manufacture, sale, or distribution of BPA in various articles including baby bottles. Canada has banned the use of BPA in food-related childcare items and is restricting its use in infant formula cans.

Many companies have phased out BPA from their products, or removed BPA-containing products from their store shelves, or both.

The Sierra Club supports HB 396 as a way to ensure our *keiki* are toxic-free and safe from the impacts of harmful toxins.

Proposed Amendments:

SECTION 3. Notification -- recall and reimbursement. (1) A manufacturer of products that are prohibited under this act shall notify persons that sell the manufacturer's products in this state of the prohibitions in not less than 90 days before January 1, 2014.

(2) A manufacturer that produces, sells, or distributes a product prohibited from manufacture, sale, or distribution under this act on or after January 1, 2014 shall recall the product and reimburse the retailer or any other purchaser for the product.

SECTION 4. **Civil penalties.** (1) A manufacturer, wholesaler, or retailer who knowingly violates the provisions of this act is subject to a civil penalty not to exceed \$5,000 for each violation in the case of a first offense. In the case of repeat violations, the civil penalty may not exceed \$10,000 for each repeat violation. (2) Penalties are recoverable in an action brought by the department. (3) An action under this section does not bar enforcement by injunction or other appropriate civil or administrative remedies.

Mahalo for the opportunity to testify.