



STATE OF HAWAII
DEPARTMENT OF HEALTH
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In reply, please refer to:
File:

COMMITTEE ON HEALTH

H.B. 396, RELATING TO TOXIC PRODUCTS

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

January 30, 2013
8:30 A.M.

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

2 **Fiscal Implications:** None to DOH

3 **Purpose and Justification:** HB396 seeks to prohibit the manufacture, sale, and distribution in Hawaii
4 of any child care article for children under 3 containing phthalates and bisphenol-A (BPA). Child care
5 article means an empty food or drink container that is designed and intended by the manufacturer to be
6 filled with food or liquid and to be used by a child. The Department suggests that the definition of child
7 care article be amended to "reusable" instead of "empty" food or drink container. The Department
8 agrees with the need to protect young children from exposure to these persistent and potentially toxic
9 compounds. In July 2012, the United States Food and Drug Administration banned the use of BPA in
10 infant feeding bottles and spill-proof cups. The National Toxicology Program at the National Institutes
11 of Health in 2008 and the Food and Drug Administration in 2010 have expressed some concern about
12 the potential effects of BPA on the brain, behavior, and prostate gland in fetuses, infants, and young
13 children. The American Medical Association recently developed a policy supporting industry action to

1 stop producing BPA containing baby bottles and infant feeding cups and supports a ban on the sale of
2 such products.

3 Studies have found that BPA in plastics and other packaging materials can transfer to food and
4 liquids, especially when the liquid is hot. Some states have banned BPA in children's bottles and
5 drinking cups while others have expanded the ban to reusable food and drink containers intended for use
6 by young children. The Department suggests that Hawaii follow the lead of other states and ban the sale
7 of reusable food and beverage containers intended for use by a child under three years of age that
8 contain BPA.

9 With regard to phthalates, effective February, 2009, the Consumer Product Safety Improvement
10 Act of 2008 permanently bans the sale of children's toys or child care articles containing DEHP, DBP,
11 and BBP and bans on an interim basis the three phthalates, DINP, DIDP, and DnOP listed in this
12 measure. This interim prohibition applies to child care articles or toys that can be placed in a child's
13 mouth or brought to the mouth and kept in the mouth. The Department continues to support the ban on
14 phthalates in children's toys or child care articles intended for young children.

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