

1 H.551

2 Introduced by Representatives Milkey of Brattleboro, Edwards of Brattleboro,
3 Burke of Brattleboro, Ancel of Calais, Branagan of Georgia,
4 Clarkson of Woodstock, Howard of Rutland City, Masland of
5 Thetford, Obuchowski of Rockingham, Sharpe of Bristol and
6 Zuckerman of Burlington

7 Referred to Committee on

8 Date:

9 Subject: Health; public health; toxic substances; bisphenol A

10 Statement of purpose: This bill proposes to ban the manufacture, sale, and
11 distribution of infant formula or baby food stored in a plastic container, jar, or
12 can that contains bisphenol A (BPA) and the manufacture, sale, and
13 distribution of any reusable food or beverage container containing BPA.

14 An act relating to bisphenol A

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. FINDINGS

17 The general assembly finds that:

18 (1) Bisphenol A (BPA) is a synthetic estrogen that was originally
19 considered for use in managing challenging pregnancies. Low-dose exposure
20 to BPA has been linked to breast cancer, prostate cancer, recurrent

1 miscarriages, early onset puberty, reduced sperm count, delayed development,
2 heart disease, diabetes, and obesity.

3 (2) Over 90 percent of the more than 100 government-funded studies of
4 low-dose exposure to BPA have demonstrated adverse health effects.

5 (3) According to the Centers for Disease Control and Prevention, more
6 than 90 percent of Americans have detectable levels of BPA in their bodies,
7 and children have higher concentrations of BPA in their bodies than do
8 adolescents or adults.

9 (4) Approximately seven billion pounds of BPA is produced globally
10 each year for use in baby bottles, dental sealants, compact discs, water bottles,
11 food cans, and a wide variety of other items.

12 (5) BPA is one of the most frequently detected industrial chemicals in
13 groundwater and is also found in landfill leachate, surface water, sewage,
14 sludge, and treated wastewater discharge.

15 (6) The use of BPA should be limited in order to protect the health of
16 the citizens and environment of Vermont.

17 Sec. 2. 18 V.S.A. § 1512 is added to read:

18 § 1512. BISPHEENOL A

19 (a) As used in this section:

1 (1) “Baby food” means a prepared solid food consisting of a soft paste
2 or an easily chewed food that is intended for consumption by children two
3 years of age or younger and that is commercially available.

4 (2) “Bisphenol A” means an industrial chemical used primarily in the
5 manufacture of polycarbonate plastic and epoxy resins.

6 (3) “Infant formula” means a milk-based or soy-based powder,
7 concentrated liquid, or ready-to-feed substitute for human breast milk that is
8 intended for infant consumption and that is commercially available.

9 (4) “Reusable food or beverage container” means a receptacle for
10 storing food or beverages, including baby bottles, spill-proof cups, sports
11 bottles, and thermoses. The term does not include food or beverage containers
12 intended for disposal after initial usage.

13 (b) Beginning July 1, 2012, no person or entity shall manufacture, sell, or
14 distribute in commerce in this state any reusable food or beverage container
15 containing bisphenol A.

16 (c) Beginning July 1, 2012, no person or entity shall manufacture, sell, or
17 distribute in commerce in this state any infant formula or baby food stored in a
18 plastic container, jar, or can that contains bisphenol A.

19 (d) Manufacturers shall use the least toxic alternative when replacing
20 bisphenol A in accordance with this section.

1 (e) Manufacturers shall not replace bisphenol A, pursuant to this section,
2 with carcinogens rated by the U.S. Environmental Protection Agency (EPA) as
3 A, B, or C carcinogens or substances listed on the EPA’s “List of Chemicals
4 Evaluated for Carcinogenic Potential” as known or likely carcinogens, known
5 to be human carcinogens, likely to be human carcinogens, or suggestive of
6 being carcinogens.

7 (f) Manufacturers shall not replace bisphenol A, pursuant to this section,
8 with reproductive toxicants that the EPA has identified as causing birth
9 defects, reproductive harm, or developmental harm.

10 (g) A violation of this section shall be deemed a violation of the Consumer
11 Fraud Act, chapter 63 of Title 9. The attorney general has the same authority
12 to make rules, conduct civil investigations, enter into assurances of
13 discontinuance, and bring civil actions, and private parties have the same rights
14 and remedies, as provided under subchapter 1 of chapter 63 of Title 9.