

1 S.247

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

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

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

10 An act relating to bisphenol A

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

12 Sec. 1. FINDINGS

13 The general assembly finds that:

14 (1) Bisphenol A (BPA) is a synthetic estrogen that was originally
15 considered for use in managing challenging pregnancies. Low-dose exposure
16 to BPA has been linked to breast cancer, prostate cancer, recurrent
17 miscarriages, early onset puberty, reduced sperm count, delayed development,
18 heart disease, diabetes, and obesity.

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

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

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

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

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

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

14 § 1512. BISPHEENOL A

15 (a) As used in this section:

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

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

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

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

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

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

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

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

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

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