

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES

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US LEGISLATION UPDATES BPA IN FOOD CONTACT AND CONSUMER PRODUCTS

In 2011, a number of bills have been introduced at the federal and state level to restrict the use of bisphenol-A (BPA) in consumer products for children as well as those for the general public. Such bills extend the list of US local governments, city and states which have already regulated the use of BPA.

Since 2009, the use of BPA in food contact materials and articles has been regulated in a number of jurisdictions in the US. Since Suffolk County in the state of New York became the first jurisdiction to regulate BPA in beverage containers for children under the age of 3, several states and local jurisdictions across the US have regulated the use of BPA in various consumer products, especially those designed and intended for food contact primarily for young children. These include the City of Chicago, Connecticut, Maine, Maryland, Massachusetts, Minnesota, New York, Vermont, Washington DC, Washington and Wisconsin.



Since the beginning of 2011, there has been considerable activity at both the federal and state level to reduce the amount of bisphenol-A (BPA), amongst other chemicals, in consumer products for children as well as those for the general public. Highlights of these bills are summarized in Table 1.



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| JURISDICTION | BILL | SCOPE | BPA, unless otherwise stated, REQUIREMENT | PROPOSED EFFECTIVE DATE |
|--------------|--|--|---|--------------------------|
| Federal | S 136 ¹ | Food container for children up to the age of 3 | Prohibited | 180 days after enactment |
| Alaska | HB 172 ² | Plastic container for baby food or infant formula | Prohibited | January 1, 2012 |
| | | Product including toy and reusable food or beverage for children under the age of 7 | | |
| Arkansas | S 350 ³ | Reusable food or beverage food container for children up to 3 | ≤2 ppm (Labeling required if product does not contain BPA) | October 1, 2012 |
| | | Any instrument assisting a child up to the age of 3 in drinking or eating e.g. bottle nipple, cutlery, bib and baby warmer | | |
| | | Pacifiers, teething aids or crib teething rails | | |
| | | Container containing infant formula or food | | |
| California | AB 1319 ⁴ | Bottles and cups for food or beverage for children up to age of 3 | ≤0.1 ppb | January 1, 2013 |
| | | Can, jar or plastic bottle containing liquid, food or beverage for children up to the age of 3 | | |
| Iowa | HF 147 ⁵ / SF60 ⁶ | Reusable food and beverage container | Prohibited | January 1, 2012 |
| | | Plastic container, can or jar containing infant formula or baby food | | |
| Kentucky | H 223 ⁷ | Reusable food and beverage container | Prohibited | January 1, 2012 |
| | | Plastic container, can or jar containing infant formula | | |
| Maryland | H 4 ⁸ | Empty bottle or can to be filled with liquid or food for children under 4 | Prohibited | January 1, 2012 |
| | | Sports water bottle | | |
| | | Can, jar or container containing liquid, beverage or food for children under 4 | ≤0.5 ppb | January 1, 2012 |

(To be cont'd)

¹ [Ban Poisonous Additives Act of 2011, S 136](#)

² [Prohibited Substances in Children's Products, HB 172, 27th Legislature, 2011](#)

³ [SB 350, Concerning the sale of children's products containing bisphenol-A in the state of Arkansas](#)

⁴ [AB 1319](#)

⁵ [HF147, Iowa Legislature](#)

⁶ [S F60, Iowa Legislature](#)

⁷ [H 223, Kentucky Legislature](#)

⁸ [HB 4, Public Health – Containers Manufactured with Bisphenol-A – Prohibition, Maryland Legislature](#)

(Cont'd)

| JURISDICTION | BILL | SCOPE | BPA, unless otherwise stated, REQUIREMENT | PROPOSED EFFECTIVE DATE |
|--------------|----------------------|---|---|-------------------------|
| New York | A 4036 ⁹ | Toy or childcare products for children under 14 | Prohibited or ≤0.1% DEHP, DBP, BBP, DIDP, DINP and DNOP (individually or sum) | January after enactment |
| Oregon | SB 695 ¹⁰ | Children's beverage container or reusable bottle | Prohibited | January 1, 2012 |
| | | Container of infant formula | Prohibited | January 1, 2013 |
| | | Metal can made or lined with BPA and containing food | Label advising metal can is made or lined with BPA | January 1, 2013 |
| Pennsylvania | H 192 ¹¹ | Cup or container to be filled with any liquid, food or beverage for children up to 3 | ≤0.1 ppb | 60 days after enactment |
| Tennessee | SB 246 ¹² | Reusable food or beverage container, or any infant formula or baby food stored in a plastic container, can or jar | Prohibited | January 1, 2012 |
| Texas | H 129 ¹³ | Toys, cosmetics, jewellery or childcare article for children under 3 | Prohibited | September 1, 2011 |

Table 1

SGS will follow-up and inform about developments on regulations or policies in consumer products as a complimentary service.

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for BPA, and other restricted substances in

consumer products for the US and other international markets. Please do not hesitate to contact us for further information.

⁹ [Prohibits the manufacture, distribution and sale of certain toys and child care products containing bisphenol-A or phthalates; imposes a civil fine of not less than \\$10,000 a day for violation of such provisions, A04036](#)

¹⁰ [SB 695](#)

¹¹ [HB 192, An Act providing for bisphenol A-free baby and toddler products](#), The General Assembly of Pennsylvania

¹² [SB 246, Tennessee General Assembly](#)

¹³ [HB 129](#), Relating to prohibiting the manufacture and sale of certain children's products containing bisphenol-A or certain other substances, Texas Legislature

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