

# SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES

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## SUMMARY OF BPA REGULATIONS FOR THE NORTH AMERICAN MARKET

In recent years, a number of jurisdictions in North America implemented regulations to prohibit the use of bisphenol A (BPA) in certain food and beverage containers. The definition of childcare articles, scope of products and exemptions on requirements vary from jurisdiction to jurisdiction.

Since 2008, a number of bills have been signed into law by a number of jurisdictions in the US to prohibit the use of BPA in certain consumer products. These jurisdictions included local governments, city and several States. Suffolk County in New York became the first jurisdiction to ban BPA. The City of Chicago in Illinois became the first City to have a similar ban. At the State level, Connecticut implemented a ban on BPA in reusable food and beverage containers. Elsewhere in North America, Canada amended Part 1 of Schedule I to the Hazardous Products Act by banning polycarbonate baby bottles containing bisphenol-A (BPA); effective 31 March 2010. Highlights of the regulatory requirements for BPA are summarized in Table on the following page.



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JURISDICTION	SCOPE OF BPA BAN	REQUIREMENT	EFFECTIVE DATE
Canada <sup>1</sup>	Polycarbonate baby bottles	Prohibited	March 31, 2010
Albany County <sup>2</sup> (New York)	Beverage containers for children under the age of 3	Prohibited	January, 2010
Chicago (Illinois) <sup>3</sup>	<u>Containers</u> Empty bottle or cup to be filled with food or liquid for children under 3 years old	Prohibited	January, 2010
Connecticut <sup>4</sup>	Reusable food or beverage Container	Prohibited	October 1, 2011
	Plastic container, jar or can that contains infant formula or baby food	Prohibited	October 1, 2011
	Sell or distribute existing inventory of infant formula or baby food containers, jars or cans as of October 1, 2011, provided such items are purchased or acquired prior to October 1, 2011	Prohibited	October 1, 2012
Maryland <sup>5</sup>	<u>Childcare Article</u> Empty bottle or cup to be filled with food or liquid for a child under the age of 4 years	Prohibited	January 1, 2012
Minnesota <sup>6</sup>	Empty bottle or cup to be filled with food or liquid for children under 3 years old	Prohibited	January 1, 2010 (manufacturer or wholesaler) January 1, 2011 (Retailer)
Schenectady <sup>7</sup> County (New York)	Beverage containers for children under the age of 3	Prohibited	2009

(to be continued)

<sup>1</sup> [Order Amending Schedule I to the Hazardous Products Act \(bisphenol A\)](#), Hazardous Products Act, SOR/2010-53 March 11, 2010, Vol. 144, No. 7 — March 31, 2010, Official Regulations, Health Canada

<sup>2</sup> 'A Local Law of the County of Albany, NY to Protect Infants and Young Children from harmful health Effects Created by Certain Plastic Beverage Containers', [Local Law No. 5 for 2009](#)  
[US BPA Update: New York Counties Ban BPA; Massachusetts Issues health Advisory, Safeguards 143/09](#), SGS Consumer Testing Services, August 2009, and references therein.

<sup>3</sup> [Chicago First US City to Ban BPA, Safeguards 105/09](#), SGS Consumer Testing Services, June 2009, [BPA-Free Kids Ordinance](#), Chapter 11-4, Municipal Code of Chicago, Chicago

<sup>4</sup> [US BPA Updates: Connecticut bans BPA in Certain Food Contact Products, Safeguards 110/09](#), SGS Consumer Testing Services, June 2009, and references therein

<sup>5</sup> [Maryland bans BPA in certain child care articles, Safeguards 065/10](#), SGS Consumer Testing Services, April 2010

<sup>6</sup> An act relating to public health; protecting the health of children; prohibiting bisphenol-A in products for young children; proposing coding for new law in [Minnesota Statutes, chapter 325F, SF No. 247, Chapter 40, Regular Session, 2009](#)  
[BPA Updates: Minnesota bans BPA, Chicago Awaits Mayor's Signature, Safeguards 88/09](#), SGS Consumer Testing Services, 2010, and references therein

<sup>7</sup> [US BPA Update: New York Counties Ban BPA; Massachusetts Issues Health Advisory](#)



(continued)

JURISDICTION	SCOPE OF BPA BAN	REQUIREMENT	EFFECTIVE DATE
Suffolk County <sup>8</sup> (New York)	Beverage containers for children under the age of 3	Prohibited	2009
Washington <sup>9</sup>	Food and beverage containers for children up to the age of 3	Prohibited <b>Exemption</b> Metal can (≤ 0.0149 inch for metal substrate and can ends)	July 1, 2011
	Sports Water bottles (≤ 64 ounces)	Prohibited	July 1, 2012
Wisconsin <sup>10</sup>	<u>Children's containers</u> Baby bottles or spill-proof cups for children up to the age of 3	Prohibited (Such cups and bottles must be clearly stated that they are BPA-free) <b>Exemption</b> Sale of a used child's container	June 2010

SGS will follow up and inform interested parties about developments on regulations or policies in consumer products as a complementary 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 a comprehensive range of consumer products for the US and worldwide requirements. Please do not hesitate to contact us for further information.



<sup>8</sup> [New York Suffolk County First in US to Ban Bisphenol-A, Safeguards 71/09 April 2009](#), SGS Consumer Testing Services, and references therein

<sup>9</sup> [Washington Bans BPA in Sports Bottles and Baby Food Containers, Safeguards 56/10](#), SGS Consumer Testing Services, March 2010, and references therein

<sup>10</sup> [US BPA Updates: Wisconsin Bans BPA in Baby Bottles and Cups, Safeguards 43/10](#), SGS Consumer Testing Services, March 2010, and references therein

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