

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES

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US BPA UPDATES: MINNESOTA BANS BPA, CHICAGO AWAITS MAYOR'S SIGNATURE

The governor of Minnesota recently signed a landmark legislation to give the first statewide prohibition on the use of Bisphenol-A (BPA) in plastic baby bottles and sippy cups. The ban is applicable to products for children under the age of three and will be effective January 1, 2010. The City of Chicago approved a ban on BPA and is awaiting the Mayor's signature.

In April 2009, Suffolk County in Long Island, New York, became the first Jurisdiction in the US to ban the use of BPA in baby bottles and sippy cups ¹. On May 7, 2009, the governor of Minnesota signed bill SF 247 (86th Legislative Session 2009-2010) into law ². The new law prohibits the use of bisphenol-A in empty bottles and sippy cups that are intended to be in contact with food and beverages for children under the age of three. The ban for manufacturers and wholesalers will be effective January 1, 2010. This ban does not apply to the sale of a used children's product. By January 1, 2011, retailers may not sell or offer for sale empty bottles or cups to be filled with food or liquid for children under 3 years old.



¹ [New York Suffolk County First in US to Ban Bisphenol-A, Safeguards 71/09, Hardlines, SGS Consumer Testing Services](#)

² Bisphenol-A prohibited in products for young children, SF 247, 86th Legislature Session 2009-2010, https://www.revisor.leg.state.mn.us/revisor/pages/search_status/status_detail.php?b=House&f=SF247&ssn=0&y=2009

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State	Substance	Bill	Scope	Business	Requirement	Effective Date
Minnesota	Bisphenol A	SF 247 (86 th Legislative Session 2009-2010)	Children's Product - Empty bottle or cup to be filled with food or liquid for children under 3 years old	Manufacturer or wholesaler	Prohibited Exemption Used children's product	January 1, 2010
				Retailer	Prohibited	January 1, 2011

On May 13, 2009, Chicago became the first US city to adopt a ban on the sale of baby bottles and sippy cups containing BPA. The measures are expected to be signed by the mayor. The ban will take effect January 31, 2010³.

In the US, a number of bills have been introduced to ban BPA in a wide range of

products including toys, childcare articles as well as food and beverage containers. Some of these bills are summarised in the table below.

Jurisdiction	Bill	Scope	Requirement	Proposed Effective Date
Federal ¹	HR 1523	Food Containers	Prohibited	180 days after enactment
Federal ¹	S 593	Food Containers	Prohibited	180 days after enactment
Federal ¹	S 753	Food and beverage containers for children under 3	Prohibited	180 days after enactment
California ⁴	SB 797	Food and beverage containers for children under 3	≤ 0.1 ppb	Not specified
Connecticut ⁵	HB 6572	<ul style="list-style-type: none"> Reusable food or beverage container Infant formula or baby food that is stored in a plastic container, jar or can 	Prohibited	October 1, 2010
		Food product that is contained in a jar, can or other container	Prohibited	October 1, 2012
		Toy	Warning label required if BPA is present	October 1, 2012
Hawaii ⁴	HB 796	Toy and childcare article for children under 3 years old	Prohibited	January 1, 2010
Hawaii ⁶	HB 1633	Toy and childcare article for children under 3 years old	Prohibited	January 1, 2010
Hawaii ⁷	SB 815	Toy and childcare article for children under 3 years old	Prohibited	January 1, 2010
Illinois ⁴	HB 2170	Food container for children under 3 years old	Prohibited	July 1, 2010
Illinois ⁴	SB 2485	Food container for children under 3 years old	Prohibited	July 1, 2010

³ [Chicago City Council approves BPA baby bottle ban](#), and references therein

⁴ [Focus on Bisphenol-A in Baby Bottles and Beverage Containers, Safeguards 59/09](#)

⁵ [An act concerning banning bisphenol-A in children's products and food products and prohibiting certain alternative substances.](#)

⁶ A bill for an act relating to toxic products, [HB 1633, 25th Legislature, 2009, State of Hawaii](#)

⁷ A bill for an act relating to toxic products, [HB 815, 25th Legislature, 2009, State of Hawaii](#)

Jurisdiction	Bill	Scope	Requirement	Proposed Effective Date
Michigan ⁴	HB 4522	Products for children up to 7 years old	Prohibited	Not specified
New Jersey ⁴	A 2940	Products for children under 6 years old	Prohibited	First day of 7 th month after enactment
New Jersey ⁸	A 2958	Plastic wrap for food	Labelling required if BPA is present	Not specified
New Jersey ⁴	S 1804 / A 2112	Food and beverage containers	Prohibited	January 1, 2010
New York ⁹	A04602	Toy or childcare product for children under 14 years old	Prohibited	January 1 next succeeding the date on which it shall have become a law
New York ¹⁰	A06919 / S 3296	Toy or childcare article for children under 3 years old	Prohibited	December 1, 2010
New York ¹¹	S 00770	Toy or childcare article for children under 14 years old	Prohibited	January 1 next succeeding the date on which it shall have become a law
Oregon ⁴	HB 2367	Products for children under 12 years old	≤ 0.1 ppb	Not specified
Vermont ¹²	S. 76	Food or beverage container, toy or childcare article	Prohibited	July 1, 2009
Washington ⁴	HB 1180	<ul style="list-style-type: none"> Bottles or cups in contact with food for infants up to 3 years old Sport water bottles 	Prohibited	July 1, 2010

SGS will follow up and inform interested parties as development on BPA and international legislation occur.

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for BPA in a comprehensive range of children's products and other consumer products for the US and worldwide markets. Please do not hesitate to contact us for further information.

⁸ Requires labeling of bisphenol A and phthalates in plastic wrap for food, [A 2958, 213th Legislature, State of New Jersey](#)

⁹ Prohibits the manufacture, distribution and sale of certain toys and child care products containing bisphenol-A; imposes a civil fine of not less than \$10,000 a day for violation of such provisions, [New York State Assembly, A4602](#)

¹⁰ Enacts the "bisphenol A-free children and babies act"; prohibits the manufacture, distribution and sale of child care products and toys containing bisphenol A; prohibits the manufacture, distribution and sale of beverage and food containers containing bisphenol A; requires product labeling, [New York State Assembly, A06919](#)

¹¹ 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, [New York State Assembly, S00770](#)

¹² An act relating to brominated flame retardants and bisphenol-A, S. 76, [The State of Vermont Legislature, 2009-2010 Legislative Session](#)

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