

SAFEGUARDS

SGS CONSUMER TESTING SERVICES

HARDLINES

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NEW YORK STATE BANS BPA IN CERTAIN CHILDCARE PRODUCTS

The State of New York recently approved a bill to prohibit the use of bisphenol A (BPA) in certain childcare products. The new law takes effect on December 1st, 2010.

On July 31st, 2010, the governor of New York signed bill S3296 / A6919 'Bisphenol A-Free Children and babies Act' into law¹. The new law will ban the use of BPA in pacifiers and unfilled beverage containers to be used by children under 3 years old for the consumption of liquids. Additionally, the Commissioner may authorise the labelling of products that do not contain BPA. The label on such products may prominently state 'Bisphenol A Free' or 'BPA Free'². The new law takes effect on December 1st, 2010.

Highlights of the prohibition of BPA in New York State and other jurisdictions in the US are summarised in Table 1³. In the state of New York, the BPA bans in Albany, Rockland, Schenectady and Suffolk counties will be pre-empted by state law.

Table 1

Jurisdiction	Regulation (Bill)	Scope on BPA Ban	Requirement	Effective date
City of Chicago (Illinois)	BPA-Free Kids Ordinance Section 7-28-637 Chapter 7-28, Municipal Code of Chicago	Containers - Empty bottle or cup to be filled with food or liquid for children under 3 years old	Prohibited	January 31, 2010
Maryland	Section 24-304 Article – Health - General Chapter 47 (HB 33, 2010) Chapter 46 (SB 213, 2010)	Childcare Article Empty bottle or cup to be filled with food or liquid for a child under the age of 4 years	Prohibited	January 1, 2012

(to be continued)

¹ [Governor Paterson Signs 83 Bills into Law, July 31, 2010, Governor David A Paterson, New York State](#)

² [Bisphenol A-free children and babies act'; prohibits the manufacture, distribution and sale of child care products containing bisphenol A; prohibits the manufacture, distribution and sale of beverage and food](#)

³ [Summary of BPA Regulations for the North American Market, Safeguards 69/10](#), SGS Consumer Testing Services, April 2010 and references therein

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Jurisdiction	Regulation (Bill)	Scope on BPA Ban	Requirement	Effective date
Connecticut	Public Act 09-103	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 were purchased or acquired prior to October 1, 2011	Prohibited	October 1, 2012
Minnesota	Chapter 40 (Session 2009-2010)	Empty bottle or cup to be filled with food or liquid for children under 3 years old	Prohibited (manufacturer or wholesaler)	January 1, 2010
New York	Bisphenol A-Free Children and Babies Act (A 6919, Session 2009-2010)	Childcare Products: Pacifiers and unfilled beverage containers for children under 3 years old for the consumption of liquids including pacifiers, baby bottles, baby bottles liners and cups, cup lids, straws and sippy cups	Prohibited	December 1, 2010
Albany County (New York)	Local Law 'C' for 2009	Beverage containers for children under the age of 3	Prohibited	January 1, 2010
Rockland County (New York)	Local Law No. 5 of 2010 The BPA-Free Children and Babies Law	Children's beverage containers Sucking / teething products	Prohibited	September 5, 2010
Schenectady County (New York)	Local law No. 02-2009	Beverage containers for children under the age of 3	Prohibited	November 17, 2009
Suffolk County (New York)	Toxin Free Toddler and Babies Act	Beverage containers for children under the age of 3	Prohibited	2009

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Jurisdiction	Regulation (Bill)	Scope on BPA Ban	Requirement	Effective date
Vermont	Act 112 (S. 247, 2009 - 2010 Legislative Session)	Reusable food or beverage container	Prohibited	July 1, 2012
		Infant formula or baby food stored in a plastic container or jar	Prohibited	July 1, 2012
		Infant formula or baby food stored in a can	Prohibited	July 1, 2014
Washington	Chapter 140, Laws of 2010 (SB 6248 Relating to the use of bisphenol A, 61st Legislature, 2010 Regular Session) (to Codify)	Food and beverage containers for children up to the age of 3	Prohibited Exemption Metal can (≤ 0.0149 inch for metal substrate and can ends)	July 1, 2011
		Sports water bottles (≤ 64 ounces)	Prohibited	July 1, 2012
Wisconsin	Wisconsin Act 145 BPA-Free Kids Act	Children's containers (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) Exemption Sale of a used child's container	June 2010

SGS will follow up and inform 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 childcare articles, toys and other consumer products for the US and international markets. Please do not hesitate to contact us for further information.



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