



NEW YORK STATE SENATOR

Antoine M. Thompson

## Assemblyman Steven Englebright and Senator Antoine Thompson Announce Introduction of Legislation to Ban Bisphenol A

ANTOINE M THOMPSON March 15, 2009

Legislators call for swift action on their bill to protect children from exposure to this dangerous chemical.

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Today, Assemblymember Steven Englebright (D, E.Setauket), Assemblymember, Assemblymember Robert Sweeney (D, Lindenhurst) and Senator Antoine Thompson (D, Buffalo) announced the introduction of legislation that would ban the use of bisphenol A (BPA) in certain products intended for use by children, and called for swift passage of the bill. Specifically, the bill would prohibit the use of BPA, an estrogen mimicking endocrine disrupter chemical used as the principal ingredient in hard polycarbonate plastics, from;

- toys and child care articles intended for use by children three years of age or under;
- and bottles, cups or other containers if those containers are designed or intended to be filled with any liquid, food, or beverage primarily for consumption by children fourteen years of age or under;
- the lining of jars, cans, boxes or other containers, if those container are filled with any liquid, food or beverage primarily for consumption by children fourteen years of age or

under; or

- sports water bottles

Assemblymember Englebright, Chair of the Assembly Tourism, Arts and Sports Development Committee, stated “For too long we have allowed children, who are uniquely susceptible, to be exposed to dangerous chemicals. We must err on the side of caution when making choices that affect the long-term health and well-being of our youngsters. Representing Long island , a region where breast cancer rates are among the highest in the nation, I am particularly sensitive to the relationship of early childhood toxic exposures and the manifestation of cancers and other diseases later in life.”

“Toxic chemicals like bisphenol A should not be used to manufacture products which are used by those with vulnerable immune systems (such as infants and seniors),” stated Senator Thompson, Chair of the Senate Environmental Conservation Committee. “The legislation that we are introducing today will ensure that no parent will have to worry about the quality and safety of products and toys that they give to their infants, which until now has unfortunately led to unintended illnesses.

Assemblymember Sweeney, Chair of the Assembly Environmental Conservation Committee, stated “We need to break the cycle that has been set by the Federal government – a long history of failure to regulate hazardous substances such as DDT, lead, PCBs in a timely way. Eighteen other states are considering action on BPA. New York State has the opportunity to act now and restrict the use of BPA, thereby reducing the significant potential for adverse impacts to children.”

The Legislators noted: “BPA is ubiquitous. According to the U.S. Centers for Disease Control, ninety-five percent of Americans have detectable levels of BPA in their bodies, and most are

at or above the concentrations known to cause adverse effects in laboratory studies. Research studies have found that babies have up to eleven times higher levels of BPA in their bodies than do adults because of greater exposure and reduced capacity to metabolize BPA.”

Bobbi Chase-Wilding, Organizing Director for Clean New York, said “As advocates, we applaud these leaders today for their commitment to protecting New York’s most vulnerable residents. As a mother, I consider them heroes and hope they’ll work aggressively for the passage of this and other laws that require safer substitutes for toxic chemicals in products, particularly those marketed for children.”

Russ Haven, Legislative Counsel for the New York Public Interest Research Group (NYPIRG) said “BPA stands for bisphenol B, but when parents shop for their kids, it should stand for “Bad Product Alert”! It’s time to stop this massive experiment that is using children and other consumers to see just how many toxic substances the human body can bear. Assemblymembers Engelbright and Sweeney and Senator Thompson are on the leading edge of preventive action to protect public health and safety, particularly for young children.”

Stephen Boese, Executive Director of the Learning Disabilities Association of New York State said, “Science is clear that BPA exposure can impair brain function, leading to learning disabilities. At the same time, we know that the costs of learning disabilities on impacted individuals, their families and our State is enormous. Environmental toxins are the leading known cause of learning disabilities. With one out of seven New Yorkers now having a learning disability, it is certainly time for our State’s leadership to protect our children from these known toxins. Banning BPA in children’s products is a very positive step in that direction.”

## **Background**

Bisphenol A (BPA) is used in many food and drink packaging applications, as well as products intended for use by young children. The resins are commonly used as lacquers to coat metal products, such as food cans, bottle tops, jar lids and infant formula containers. The resins are also used to line aseptic packages such as juice boxes. The chemical bond between BPA molecules is unstable and can be disrupted by heat, acidic reactions and other conditions that can release BPA into the food or beverages within the containers.

Endocrine disruption has been linked to a greater number of common ailments, including heart disease, immune system disruption, brain deterioration, type-2 diabetes, cancer and obesity. Research has shown that BPA can alter the expression of several hundred genes, with effects varying among specific tissues and timing of exposure. Pre-natal and neonatal exposure to BPA has been linked to altered DNA function and genetic expression, male reproductive disorders and lowered sperm counts, insulin resistance, early puberty, and changes in prostate and mammary gland development, leading to potential greater susceptibility to breast cancer and other cancer later in life.

In 2008, thirty-eight of the world's leading scientific experts on BPA, who reviewed over 700 published studies, released a consensus statement warning of the adverse health effects of BPA exposure, concluding that the average levels of BPA in people are above those that cause harm in animals in laboratory experiments.

## **Resources**

Bisphenol A – Breast Cancer Fund Fact Sheet

Baby's Toxic Bottle, Center for Health, Environment and Justice

The Endocrine Disruption Exchange (database on impact of BPA on developing fetuses)

Is It In Us? A study of chemicals in our bodies

The Environment: Bisphenol A

CDC BPA study

House Energy & Commerce Bisphenol A Investigation into Infant Formula, including:

Letter to American Chemistry Council President and CEO Gerard to in regard to the use of consulting firms to manipulate public opinion related to the use of Bisphenol A and other chemicals