

# GOVERNOR BROWN SIGNS TWO BILLS INTENDED TO PROTECT CHILDREN FROM TOXIC EXPOSURES

October 6, 2011 by **Olivier Theard**

In an effort to protect children (and, to a lesser extent, adults) from toxic exposure, California has banned the use of the controversial chemical Bisphenol A (BPA) in baby bottles and sippy cups, and has eliminated certain loopholes in the existing ban on lead and cadmium in jewelry. These laws follow earlier efforts to ban chemicals potentially injurious to humans. For instance, California banned the use of phthalates (a chemical often found in children's toys) in 2009.

California's "green chemistry" initiative, in which regulators would analyze all consumer products and chemicals holistically to require safer alternatives, was intended in part to curb piecemeal chemical bans like the ones passed. However, with the green chemistry initiative mired in a continuous loop of revisions amid intense lobbying from both environmental and industry groups, it remains to be seen whether California will continue to simply ban singular chemicals once the evidence against their use becomes overwhelming.

### [AB 1319: Ban on BPA in Baby Bottles and Sippy Cups](#)

BPA is a chemical used in making plastics, and it is commonly used in electronics, sports and medical equipment and children's products. Between 2008 - 2010, government and private studies were published indicating that BPA is an endocrine disruptor that causes neurological damage, especially in children. Several countries, including Canada and the European Union, have recently declared that BPA is toxic and have banned or limited its use.

The California bill (named The Toxin-Free Infants and Toddlers Act, [linked here](#)) prohibits the manufacture, distribution or sale of baby bottles and sippy cups (cups with a valve used by children to avoid spills) that contain BPA above 0.1 parts per billion (ppb). The bill is intended to protect children 3 and under from BPA exposure. The ban takes effect in 2013.

The bill specifically excludes “medical devices” and containers “designed or intended for use by the general population.” This means that cups, bottles (including standard water bottles) and other containers normally used by adults or older children are not covered by the BPA ban.

In order to avoid replacing one toxic for another, the law also requires that manufacturers use the “least toxic alternative when replacing Bisphenol A.” This means that manufacturers may not use any other toxic chemical to replace BPA, including those identified by California to cause cancer or reproductive harm under Proposition 65.

#### [SB 646: Lead and Cadmium in Jewelry](#)

California banned the use of lead and cadmium in jewelry in 2006. However, the term “jewelry” had a limited definition, and the new law expands the definition of “jewelry” to include everything from anklets to hair accessories to tie clips, including any “component” thereof ([amended law linked here](#)). The ban also applies to body piercing jewelry, jewelry “placed in the mouth” (presumably tongue rings), and any accessory that can be removed from shoes or clothing. The amended law also requires that the manufacturer or supplier certify compliance with the law to any retailer, and imposes criminal penalties for violating the ban or the certification requirement.

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