



Testimony

Of

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before the

New York City Council Committee on Health

regarding

Intro. 175: Sale of Toys and Child Care Products that Contain Bisphenol A or Phthalates

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250 Broadway
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Good afternoon Chairperson Arroyo and members of the Health Committee. My name is Nancy Clark, and I am the Assistant Commissioner of the Bureau of Environmental Disease Prevention at the New York City Department of Health and Mental Hygiene. With me today is Dr. Paromita Hore, Bureau Coordinator for Environmental Risk Assessment. On behalf of Commissioner Tom Farley, I would like to thank you for the opportunity to testify regarding Intro 175.

In my testimony today, I would like to provide an overview of what we know about the potential human health effects of bisphenol A (BPA) and phthalates, a summary of the federal Consumer Product Safety Improvement Act of 2008 (CPSIA), and the challenges of local regulations aimed at limiting the amount of these substances in children's products.

Background on Bisphenol A and Phthalates

Bisphenol A (BPA) is an industrial chemical used to make a hard, clear plastic known as polycarbonate, which has been used in many consumer products, including reusable water bottles and baby bottles. BPA is also found in epoxy resins, which act as a protective lining on the inside of metal food and beverage cans. These uses of BPA are subject to premarket approval by the U.S. Food and Drug Administration (FDA) as indirect food additives or food contact substances. The original FDA approvals were issued in the 1960s. BPA can leach into food from the protective internal epoxy resin coatings of canned foods and from consumer products. BPA in food and beverages accounts for the majority of daily human exposure. Human exposure to BPA is widespread. BPA has been found in the urine of more than 90% of Americans.

The scientific evidence that bisphenol A causes adverse health effects in humans is not well established. The National Toxicology Program (NTP), a federal interagency program of the U.S. Department of Health and Human Services, has reviewed the scientific literature on BPA exposure and health effects in laboratory animals. NTP notes that some of the animal studies raise concerns about potential human reproductive and developmental effects in both females and males. Researchers generally agree that more study is needed to understand exactly how these findings relate to human health and development. Investigations to date have not demonstrated specific human health effects or magnitude of such effects.

Phthalates are a diverse group of chemicals that impart flexibility and resilience when added to polyvinyl chloride (PVC) plastics. Phthalates are also found in a wide variety of consumer products including personal care products, such as soaps, shampoos and deodorants; vinyl products, such as floor tiles, shower curtains, upholstery, and waterproof clothing; children's toys and vinyl-covered books; care and feeding items; gel caps and coatings on some pharmaceuticals; and medical equipment such as serum bags and IV medical tubing. As a result, human exposure to phthalates is common. Several studies confirmed the presence of phthalates or their metabolites in persons of all age groups, including newborns exposed prenatally.

People are exposed to phthalates in the food they eat, the air they breathe and through direct contact with the many products that contain the chemicals. Ingestion by mouthing PVC products is the most common means of exposure to phthalates in consumer products. Generally, phthalates are metabolized and excreted quickly and do not accumulate in the body.

The six phthalates identified in Intro 175 are present in a wide variety of consumer products, and have been subject to at least some scientific investigation. The main health concerns posed by phthalate exposure are their potential to interfere with male hormones and male reproductive organ development. There is also a possibility that phthalates adversely affect females.

Federal Regulations on BPA and Phthalates

The Consumer Product Safety Improvement Act was passed by Congress in 2008. This law currently limits the amount of the six phthalates in children's toys, care products and feeding products to less than 0.1% of the total product. The CPSIA has set final limits on three phthalates—DEHP, DBP and BBP—as more is known about these chemicals. The limits on the other three phthalates—DINP, DIDP and DNOP—are interim standards. The Consumer Product Safety Commission has convened a Chronic Hazard Advisory Panel on Phthalates to further study these chemicals and to issue a report of its findings in 2012.

The CPSIA does not address BPA in children's products; however, the FDA is currently investigating the need to limit BPA in food containers to reduce human exposure through contact of the BPA surface in containers with food and beverages contents. We are following developments of this FDA initiative.

We fully support the federal actions and industry initiatives to reduce human exposures to phthalates and BPA in children's products.

Local Regulations on BPA and Phthalates

The efficacy of a ban on such products is dependent on reliably knowing which products contain the chemicals. Intro 175 covers broad categories of products for which the ingredients are unknown and which are not always labeled. No federal regulations exist requiring disclosure and labeling of ingredients in plastic products, therefore neither the Department, Department of Consumer Affairs nor the more than 15,000 distributors and retailers in New York City who may sell the targeted products can readily know which products contain BPA or phthalates. In addition, this bill would require enforcement by Department of Consumer Affairs of an industry where it has no regulatory authority.

Federal regulations are the most effective way to limit public exposure, and we support a move towards removal of these chemicals from children's products. However, we caution that it is unlikely that any state or local government can effectively remove products containing phthalates and BPA from store shelves. While many localities and states across the country have adopted regulations similar to that which is proposed, without oversight at the factory level or labeling by the manufacturer, local authorities are limited in their ability to enforce such a ban on products potentially containing BPA or phthalates. While CSPIA allows for the use of labels, the current law does not require them on plastic products.

Conclusion

In summary, we support the idea of limiting the use of bisphenol A and phthalates in children's toys and care and feeding products and support further federal action to limit BPA in food and beverage containers. Banning BPA and phthalates from children's products at the point of production would eventually eliminate them from the consumer market. However, without

manufacturing and labeling standards, efforts to identify and prohibit the sale of children's products that contain these chemicals will likely be ineffective and would not be enforceable on the local level.

Thank you for this opportunity to testify. I am happy to answer your questions at this time.