

**ASSEMBLY CONCURRENT
RESOLUTION No. 158**

**STATE OF NEW JERSEY
213th LEGISLATURE**

INTRODUCED MARCH 3, 2008

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Assemblywoman PAMELA R. LAMPITT

District 6 (Camden)

Assemblywoman L. GRACE SPENCER

District 29 (Essex and Union)

SYNOPSIS

Memorializes Congress to enact legislation banning phthalates and bisphenol A in food containers, toys, and child care articles.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/13/2008)

1 **A CONCURRENT RESOLUTION** memorializing Congress to enact
2 legislation banning phthalates and bisphenol A in food
3 containers, toys, and child care articles.
4

5 **WHEREAS**, Phthalates and bisphenol A are hazardous toxins that can
6 have adverse effects on humans and animals and are found in many
7 plastics, food and drink packaging, baby bottles, teething devices,
8 toys, and other child care articles, and children and babies are
9 exposed to these products on a regular basis; and

10 **WHEREAS**, There is substantial evidence that bisphenol A has been
11 shown to have hormone disrupting effects, that virtually everyone
12 carries some level of phthalates in their body, and that high levels
13 of exposure to phthalates may pose a hazard to reproduction and to
14 the health and welfare of children; and

15 **WHEREAS**, The United States Environmental Protection Agency
16 classifies bis (2-ethylhexyl) phthalate, also known as diethylhexyl
17 phthalate or DEHP, as a Group B2 probable human carcinogen and
18 added diisononyl phthalate (DINP) to the list of toxic chemicals
19 subject to reporting requirements of section 313 of the federal
20 “Emergency Planning and Community Right-to-Know Act of
21 1986,” 42 U.S.C. s.11023, and section 6607 of the federal
22 “Pollution Prevention Act of 1990,” 42 U.S.C. s.13106, based upon
23 the carcinogenicity of DINP and liver, kidney, and developmental
24 toxicity; and

25 **WHEREAS**, In 2007, researchers who conducted a study within the
26 United States Department of Health and Human Services found
27 their greatest concern about the hazards of exposure to bisphenol A
28 was the possible neural and behavioral effects caused by bisphenol
29 A exposure in utero, and expressed some concern as well that the
30 chemical could cause problems in developing fetuses and young
31 children; and

32 **WHEREAS**, A number of states have introduced legislation banning the
33 sale, manufacturing, and distribution of toys, child care articles,
34 baby bottles, and food containers made with phthalates or bisphenol
35 A, but federal legislation is needed to create a national standard for
36 manufacturers and distributors; and

37 **WHEREAS**, The United States House of Representatives Committee on
38 Energy and Commerce began investigating the use of bisphenol A
39 in products intended for use by infants and children, and Senator
40 Feinstein and Representative Hooley introduced the “Children’s
41 Chemical Risk Reduction Act,” S.2275 and H.R.4030, to prohibit
42 the manufacture, sale, or distribution of certain children’s products
43 that contain phthalates; and

44 **WHEREAS**, It is altogether fitting and proper and in the public interest
45 for this Legislature to urge the United States Congress to enact
46 legislation banning phthalates and bisphenol A in food containers,
47 toys, and child care articles; now, therefore,

1 **BE IT RESOLVED** by the General Assembly of the State of New
2 *Jersey (the Senate concurring):*

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4 1. The United States Congress is memorialized to enact
5 legislation banning phthalates and bisphenol A in food containers,
6 toys, and child care articles.

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8 2. Duly authenticated copies of this concurrent resolution,
9 signed by the President of the Senate and the Speaker of the
10 General Assembly and attested by the Secretary of the Senate and the
11 Clerk of the General Assembly, shall be transmitted to the President
12 and Vice President of the United States, the Majority and Minority
13 Leaders of the United States Senate, the Speaker and Majority and
14 Minority Leaders of the United States House of Representatives, and
15 each member of the United States Congress elected from this State.

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STATEMENT

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20 This concurrent resolution memorializes the United States
21 Congress to enact legislation banning phthalates and bisphenol A in
22 food containers, toys, and child care articles.

23 The United States Congress has become involved in this issue,
24 with the House of Representatives Committee on Energy and
25 Commerce investigating the use of bisphenol A in products
26 intended for use by infants and children, and with the introduction
27 of the “Children’s Chemical Risk Reduction Act,”
28 S.2275/H.R.4030, to prohibit the manufacture, sale, or distribution
29 of certain children’s products that contain phthalates.

30 The United States Environmental Protection Agency classifies
31 some phthalates as Group B2 probable human carcinogen and in
32 recent years has added phthalates to the list of toxic chemicals
33 subject to reporting requirements of section 313 of the federal
34 “Emergency Planning and Community Right-to-Know Act of
35 1986,” 42 U.S.C. s.11023, and section 6607 of the federal
36 “Pollution Prevention Act of 1990,” 42 U.S.C. s.13106, based upon
37 their carcinogenicity and toxicity. In 2007, a study conducted
38 within the United States Department of Health and Human Services
39 found the greatest concern about the hazards of exposure to
40 bisphenol A was the possible neural and behavioral effects caused
41 by bisphenol A exposure in utero, and expressed some concern as
42 well that the chemical could cause problems in developing fetuses
43 and young children.

44 A number of states have introduced legislation banning the sale,
45 manufacturing, and distribution of toys, child care articles, baby
46 bottles, and food containers made with phthalates or bisphenol A,
47 but federal legislation is needed to create a national standard for

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- 1 manufacturers and distributors in order to respect interstate
- 2 commerce and nationally promote safer children's products.