



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

Memorandum

TO: Board of Environmental Protection
FROM: Andrea Lani and John James, Bureau of Remediation & Waste Management
DATE: June 17, 2010
RE: Posting to Public Hearing: Chapter 882, Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products.

Statutory and Regulatory Reference:

A. Statutory authority.

38 MRSA §§1691 through 1699-B.

B. Specific legal mandates requiring adoption.

38 MRSA §1695 requires the commissioner to designate at least two priority chemicals by January 1, 2011. The department's regulation 06-096 Chapter 880, *Regulation of Chemical Use in Children's Products* section 2(D) requires that designation of a priority chemical be done through the adoption of a rule. This rulemaking constitutes the first of the two required designations.

Location/Applicability:

The proposed regulation will apply statewide.

Description:

The proposed regulation will:

- designate bisphenol A (BPA) as a priority chemical;
- require manufacturers of certain consumer products that contain BPA to submit information to the department on the extent to which BPA is used in and the likelihood that children will be exposed to BPA as a result of its presence in those products; and
- prohibit the sale of any reusable food or beverage container that contains BPA.

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Environmental Issues:

Concern over potential health effects from bisphenol A has grown in recent years due to findings that show BPA migrating into food and beverages from storage containers, including baby bottles, and studies that show the possibility for effects at low doses, including disruption of the hormone systems of the body. The greatest source of non-workplace human exposure to BPA appears to be through food in BPA-containing packaging. Babies who are fed liquid canned formula from polycarbonate bottles have the highest consumer exposure through diet to BPA.

Departmental Recommendation:

The Department recommends that the Board schedule a public hearing on the proposed rule for August 19, 2010 and proposes a public comment period deadline of August 30, 2010.

Estimated Time of Presentation:

20 minutes.