

1 **CITY COUNCIL OF THE CITY OF ANNAPOLIS**

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3 **ORDINANCE NO. O-01-09Amended**

4
5 **Introduced by Mayor Moyer**

LEGISLATIVE HISTORY			
First Reading:	Public Hearing:	Fiscal Impact Note:	120 Day Rule:
01/12/09	02/23/09	02/18/09	05/12/09
Referred to:	Meeting Date:	Action Taken:	
Economic Matters	02/11/09	Unfavorable	

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8 **AN ORDINANCE** concerning

9
10 **Notification of Bisphenol-A (BPA) by Retailers**

11
12 **FOR** the purpose of requiring retailers to notify customers if a product’s container
13 contains bisphenol-A (BPA) through the use of certain signage; and, assigning the
14 responsibility for implementing and enforcing this ordinance to the Director of
15 Neighborhood and Environmental Programs.

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19 **BY** adding the following new chapter to the Code of the City of Annapolis, 2008
20 Edition:
21 Chapter 7.10

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23 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
24 **CITY COUNCIL** that the Code of the City of Annapolis shall read as follows:

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26 **Chapter 7.10 NOTIFICATION OF BISPHENOL-A**

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28 **Section 7.10.010 Notification of Bisphenol-A.**

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30 ~~Every retailer that sells~~ A voluntary program for the notification of Bisphenol-A is hereby
31 established. Retailers that sell any form of food or beverage in a container that may
32 contain bisphenol-A commonly referred to as BPA shall may so notify customers by
33 posting a visible sign on the premises. The sign shall may contain the following
34 statement:

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36 “Certain plastic bottles and some cans containing a plastic lining may contain BPA. An
37 expert panel commissioned by U.S. HHS has found that for pregnant women, fetuses,

1 infants and children that there is 'some concern for neural and behavioral effects' being
2 altered by exposure to BPA. For more information, go to:
3 <http://cerhr.niehs.nih.gov/chemicals/bisphenol/BPAFinalEPVF112607.pdf> ".
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5 The sign's font shall be no smaller than size 30 with dark letting on a light background.
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7 **Section 7.10.020 Notification of Bisphenol-A – enforcement.**
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9 The Director of Neighborhood and Environmental Programs shall be responsible for
10 implementing ~~and enforcing~~ the requirements of this chapter. Consistent with Section
11 2.04.090, the Director may promulgate any necessary regulations to implement this
12 chapter.
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15 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
16 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect six months after the
17 date of adoption.
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19 **ADOPTED** this 13th day of April, 2009.

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21 **ATTEST:**
22

THE ANNAPOLIS CITY COUNCIL

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25 Regina C. Watkins-Eldridge, CMC
26 **City Clerk**
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BY: _____
ELLEN O. MOYER, MAYOR

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EXPLANATION:

Highlighting indicates matter added to existing law.
~~Strikeout indicates matter deleted from existing law.~~
Underlining indicates amendments.

O-01-09
Notification of Bisphenol-A (BPA) by Retailers

Staff Paper

A recently published report by the US Department of Health and Human Services found “some concern for neural and behavioral effects” for infants, children, pregnant women and fetuses from “general population exposure levels (to bisphenol A) in the U.S.”¹ Thus, this legislation proposes to require retailers in the City to post a visible sign on the premises. The signs would have to be done in at least 30 point font. The Director of Neighborhood and Environmental Programs would be responsible for implementing and enforcing the requirements this legislation.

On April 27, 2008, the *Washington Post* reported in part:

Despite more than 100 published studies by government scientists and university laboratories that have raised health concerns about a chemical compound that is central to the multibillion-dollar plastics industry, the Food and Drug Administration has deemed it safe largely because of two studies, both funded by an industry trade group...The agency says it has relied on research backed by the American Plastics Council because it had input on its design, monitored its progress and reviewed the raw data.

The compound, bisphenol A (BPA), has been linked to breast and prostate cancer, behavioral disorders and reproductive health problems in laboratory animals.

As evidence mounts about the risks of using BPA in baby bottles and other products, some experts and industry critics contend that chemical manufacturers have exerted influence over federal regulators to keep a possibly unsafe product on the market.

The FDA's position on the compound was called into question earlier this month when a National Institutes of Health panel issued a draft report linking BPA to health concerns. Since then, Canadian regulators have banned BPA in baby products, and Sen. Charles E. Schumer (D-N.Y.) has introduced a bill to prohibit some uses of the compound. Ten states, including California and Maryland, are weighing their own restrictions.²

In September 2008, the National Toxicology Program finalized a report on bisphenol A,

¹ U.S. Department of Health and Human Services, Center for Evaluation of Risks to Human Reproduction, *NTP-CERHR Expert Panel Report on the Reproductive and Developmental Toxicity of Bisphenol A* (Nov. 26, 2007), available at <http://cerhr.niehs.nih.gov/chemicals/bisphenol/BPAFinalEPVF112607.pdf>.

² Lyndsey Layton, *Studies on Chemical Plastics Questioned: Congress Examines Role of Industry in Regulation*, WASH. POST, April 27, 2008, at A1.

finding “some concern” that infants were at risk from exposure to the chemical.³ That same month, the Lang study was published in the *Journal of the American Medical Association*. The cross-sectional study of nearly 1,500 people assessed exposure to bisphenol A by looking at levels of the chemical in urine. The authors found that high bisphenol A levels were significantly associated with heart disease, diabetes, and abnormally high levels of certain liver enzymes.⁴

A similar version of this bill, O-02-08, was introduced by Mayor Moyer on January, 14, 2008. The proposed legislation was voted down at the June 16, 2008, meeting of the City Council.

Prepared by Seth B. Zirkle, City of Annapolis Office of Law, (410) 263-1184

³ National Institute of Environmental Health Sciences, *Since You Asked – Bisphenol A: Questions and Answers about the National Toxicology Program’s Evaluation of Bisphenol A*, available at <http://www.niehs.nih.gov/news/media/questions/sya-bpa.cfm>.

⁴ Lang, et al., *Association of Urinary Bisphenol A Concentration With Medical Disorders and Laboratory Abnormalities in Adults*, 300(11) J. AM. MED. ASS’N 1303 (2008).