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Secretary for
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Department of Toxic Substances Control

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Edmund G. Brown Jr.
Governor

August 24, 2011

The Honorable Betsy Butler
California State Assembly
State Capitol, Room 3132
Sacramento, CA 95814

Dear Assembly Member Butler:

I am writing to inform you that the Department of Toxic Substances Control (DTSC) has a **SUPPORT** position on Assembly Bill (AB) 1319 (as amended August 22, 2011). AB 1319 would prohibit the manufacture, sale, or distribution of any bottle or cup intended for use by children three years of age or younger that contains bisphenol A above 0.1 parts per billion.

As you know, DTSC is in the process of developing its Safer Consumer Products regulations in implementing AB 1879 (Feuer, Chapter 559, Statutes of 2008) and SB 509 (Simitian, Chapter 560, Statutes of 2008). The regulations, when adopted, will contain a process to identify chemicals of concern and their potential alternatives.

These bills and the regulations they contemplated were in response to the Legislature's introduction of various chemical by chemical, product by product legislation. As such, it could be argued that bisphenol A in children's bottles and cups should more appropriately be addressed through DTSC's regulatory process. DTSC agrees that the regulations will, when adopted, represent a rigorous and scientifically defensible process by which concerns regarding chemicals in products can be thoroughly evaluated and addressed. However, DTSC does not believe that the regulations should ever be viewed as excluding action that the Legislature might take to address specific product related concerns that are brought to its attention. Not only have the regulations taken longer to adopt than originally anticipated, DTSC also expects that the process to be represented in the regulations will be subject to time and resource constraints. There may be circumstances that warrant more timely action than DTSC can accommodate through its process.

In light of the information available regarding the potential health effects of bisphenol A and the regulatory actions already taken by a number of other states and countries, DTSC believes it is prudent to restrict the use of bisphenol A in a narrow range of products such as children's infant bottles and cups. This modest restriction will help reduce the exposure of infants at their most vulnerable period of development. AB 1319's restriction will also

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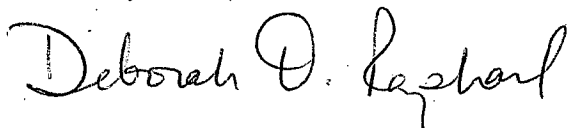
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serve to level the playing field for California manufacturers that have already voluntarily removed bisphenol A from their products, allowing them to better compete with foreign manufacturers that have not taken similar steps.

If you have any questions about DTSC's position or its efforts related to the Safer Consumer Products regulations, please feel free to contact me at (916) 322-0504, or Mr. Rick Brausch, Deputy Director for Policy and Legislation, at (916) 327-1186 (or email at rbrausch@dtsc.ca.gov).

Sincerely,



Deborah O. Raphael
Director

cc: Mr. Gareth Elliott
Legislative Secretary, Governor's Office
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