



Alerts

State Legislatures Continue Their Attack on Banning the Use of Bisphenol A (BPA) in Baby Bottles and Containers

February 22, 2010

Toxic Tort Alert

A handful of states, counties and even a major city have already passed laws banning the use of Bisphenol A (BPA) in children's baby bottles and beverage containers. State legislatures across the country are pursuing similar efforts. The existing and proposed legislation banning BPA certainly has the potential for inviting litigation against the chemical and bottler makers, as well as against the bottle distributors and retailers.

BPA is a chemical used to strengthen and harden plastic. It also serves to prevent corrosion and food contamination on the inside of metal containers. One of the most common uses of BPA is found in the manufacture of baby bottles and baby formula cans. Although the potential health effects from exposure to BPA are still in dispute from a scientific standpoint, proponents of the ban argue that the BPA chemical can have adverse reproductive and developmental effects, especially in newborns and infants, and even at low doses. It is suggested that BPA exposure occurs when the baby bottle is heated in the microwave, hot liquids are poured into the bottle, or when the bottle or container becomes aged, scratched or damaged.

We will continue to monitor any significant developments on this issue as they may occur. To date, the following jurisdictions have banned BPA in children's bottles and beverage containers:

In addition, in the past year, legislation has been introduced in 21 states attempting to ban the manufacture, sale and use of BPA in baby bottles and children's beverage containers.

The following states have seen the most recent legislative activity on BPA:

*(To view the attached bills from Washington, Wisconsin and Vermont, click on [Download PDF](#))

We anticipate that more states across the country will continue to pass legislation banning the use of BPA in children's beverage bottles and containers. We also predict the possibility that lawsuits will follow in the future against the chemical and bottle companies involved in BPA production and distribution, especially if the science on the potential health effects becomes more developed and undisputed.

Attorneys

Craig T. Liljestrand

Service Areas

Complex Tort & General
Casualty



For further information, please contact [Craig T. Liljestrand](#) or your regular [Hinshaw attorney](#).

This alert has been prepared by Hinshaw & Culbertson LLP to provide information on recent legal developments of interest to our readers. It is not intended to provide legal advice for a specific situation or to create an attorney-client relationship.