

ORDINANCE

WHEREAS, the City of Chicago is a home rule unit of government pursuant to the 1970 Illinois Constitution, Article VII, Section 6 (a); and

WHEREAS, pursuant to its home rule power, the City of Chicago may exercise any power and perform any function relating to its government and affairs including promoting the quality of life, health, safety and the welfare of its citizens; and

WHEREAS, the children of Chicago are our City's future; and

WHEREAS, it is the charge of this municipal, legislative body to protect our most valuable resource, our children, the legacy of our City; and

WHEREAS, human fetuses, infants and developing children are acutely sensitive to hormonal and chemical exposures; and

WHEREAS, Bisphenol A (commonly known as BPA) is a chemical that has been linked to several medical problems when tested on laboratory animals, including neurological disorders, breast and prostate cancer; and

WHEREAS, according to a recent article in the *Milwaukee Journal Sentinel*, Bisphenol A was developed as a synthetic estrogen in 1891 and became widely used when scientists discovered that it could be used to make polycarbonate plastic in the 1950's; and

WHEREAS, Bisphenol A is a high-volume, industrial chemical used to make resins and polycarbonate plastics, including baby bottles and the linings of metal food and baby formula cans, from which it is known to leach and result in human exposure; and

WHEREAS, Bisphenol A has been detected in human breast milk, serum, saliva, urine, amniotic fluid and fetal cord blood; the Centers for Disease Control and Prevention has detected Bisphenol A in the bodies of over 90 percent of children and adults tested in the United States; and

WHEREAS, there are over one-hundred published studies in which low doses of Bisphenol A were administered to animals, approximately 85 percent of which have reported significant adverse effects, including permanent changes in the prostate, breast, mammary glands, body size, brain structure and chemistry; and

WHEREAS, these studies link Bisphenol A to increased incidences of human diseases and disorders including genital abnormalities in male babies, early onset puberty in girls, declining semen quality in men, prostate and breast cancer, type II diabetes, obesity and neurobehavioral problems such as Attention Deficit Hyper Activity Disorder; and

WHEREAS, the National Toxicology Program (NTP) recently released a draft report on Bisphenol A, in which it claims to have "some concern for neural and behavioral effects in fetuses, infants, and children at current exposures;" and

WHEREAS, the NTP also expresses some concern for "Bisphenol A exposure in these populations based on effects in the prostate gland, mammary gland and an earlier age for puberty in females;" and

WHEREAS, the draft report by NTP issued also states, "the possibility that Bisphenol A may alter human development cannot be dismissed;" and

WHEREAS, on April 18 2008, Canada classified Bisphenol A as a toxin, aiming to ban the dangerous use of the chemical by June 2008; and

WHEREAS, several retailers, including Toys R' Us, Wal-Mart and Nalgene, recently pledged to eliminate the use of Bisphenol A in their products; and

WHEREAS, United States Senators Richard Durbin, Charles Schumer, Hillary Clinton, Diane Feinstein, John Kerry and Robert Menendez introduced Senate Bill 2928, the "BPA-Free Kids Act of 2008," which seeks to ban any detectable amount of Bisphenol A from being used in children's products; and

WHEREAS, now is the time for the City Council of the City of Chicago to enact legislation in order to safeguard our children from Bisphenol A; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

SECTION 1. The above recitals are expressly incorporated herein and made part hereof as though fully set forth herein.

SECTION 2. Chapter 11-4 of the Municipal Code of Chicago is hereby amended by creating Article XXIII by inserting the language underscored as follows:

Article XXIII BPA-Free Kids Ordinance

(a) Definitions

(1) "Bisphenol A" shall mean the chemical produced in large quantities for use primarily in the production of polycarbonate plastic and epoxy resins with the chemical structure of $C_{15}H_{16}O_2$.

(2) "Children's Product" shall mean a consumer product designed for or intended for use by, or care of, a child seven (7) years or younger that is introduced into the interstate stream of commerce. In determining whether a product is intended for use by a child seven (7) years of age or younger, the following factors shall be considered:

(i) a statement by a manufacturer about the intended use of such product, including a label on such product, if such statement is reasonable; or

(ii) whether the product is represented in its packaging, display, promotion, or advertising as appropriate for children seven (7) years of age or younger; or
(iii) whether the product is commonly recognized by consumers as being intended for use by a child seven (7) years of age or younger; or
(iv) the Age Determination Guidelines issued by the Consumer Product Safety Commission in September 2002 and any subsequent version of such guidelines.

(3) "Consumer Product" shall mean any article, or component part thereof, produced or distributed (i) for sale to a consumer for use in or around a permanent or temporary household or resident, a school, in recreation or otherwise, (ii) for the personal use, consumption or enjoyment of a consumer in or around a permanent or temporary household or resident, a school, in recreation, or otherwise (as identified in Section 3 of the Federal Consumer Product Safety Act (15 U.S.C. 2052)).

(b) Limitations on Bisphenol A content

It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale, give or furnish any children's product that contains a detectable amount of Bisphenol A within the City of Chicago.

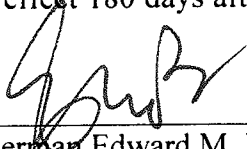
(c) Violation

Any person found guilty of violating, disobeying, omitting, neglecting, refusing to comply with or resisting or opposing the enforcement of any of the provisions of this section, except when otherwise specifically provided, upon conviction thereof shall be punished by a fine of not less than \$100.00 nor more than \$300.00 for the first offense, and not less than \$300.00 nor more than \$500.00 for the second and each subsequent offense. A separate and distinct offense shall be regarded as committed each day and each item on which such person shall continue or permit any such violation or failure to comply is permitted to exist after notification thereof. In addition to such fines and penalties, the permit, license or certificate of operation of such person, or of the offending property may be suspended or revoked as hereinbefore provided.

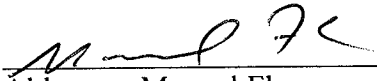
(d) Severability

If any provision, clause, sentence, paragraph, section or part of this chapter or application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this chapter and the application of such provision to other persons or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof already involved in the controversy in which such judgment has been rendered and to the person and circumstances affected thereby.

SECTION 3. This ordinance shall be in full force and effect 180 days after passage and publication.



Alderman Edward M. Burke
14th Ward



Alderman Manuel Flores
1st Ward

Document No. P02008- 3678

REFERRED TO A SPECIAL COMMITTEE TO BE COMPOSED JOINTLY OF MEMBERS OF COMMITTEES ON.
<i>FINANCE</i>
AND <i>LICENSE</i>
PAGE _____ (COUN. JOUR.)
<i>Miguel del Valle</i> City Clerk City of Chicago

MAY 14 2008