檔號	/ /	保存年限

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受文者：台灣罐頭食品工業同業公會

發文日期：中華民國102年4月25日
發文字號：貿雙二字第1027009119號
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附件：如文(1027009119-1.pdf)

主旨：有關加州州政府擬限制於該州境內生產或銷售產品使用雙酚A (Bisphenol A, BPA)事，請　查照並轉知　貴會會員廠商。

說明：依據駐洛杉磯辦事處經濟組本(102)年4月22日洛商字第10200000940號函辦理（如附件）。

正本：財團法人中華民國對外貿易發展協會、中華民國全國工業總會、台灣區塑膠製品工業同業公會、台灣區塑膠原料工業同業公會、台灣罐頭食品工業同業公會、台灣省進出口商業同業公會聯合會、台北市進出口商業同業公會、高雄市進出口商業同業公會
副本：駐洛杉磯辦事處經濟組（不含附件）

局長 張俊福

台灣罐頭食品工業同業公會轉

S-1027009119

102. 4. 29　台罐會收字第13447號

檔號	/ /	保存年限	

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密等及解密條件或保密期限：
附件：如文　(AB1319.pdf)

主旨：有關加州州政府擬限制於該州境內生產或銷售產品使用雙酚A (Bisphenol A, BPA)事，如說明，請　查照。

說明：

一、加州州政府環境保護署環境健康危害評估處 (Office of Environmental Health Hazard Assessment, OEHHA) 於本(102)年4月11日以BPA有致癌風險及有害嬰幼兒生理發展為由，公告將BPA列入加州第65號法案「飲用水安全與毒性物質強制執行法」(CA Proposition 65, Safe Drinking Water and Toxic Enforcement Act)監管之有害化學物質清單中，要求廠商自本年7月1日起，必須在所有含有BPA之產品標籤中增加風險警告標籤，且此項要求不限於食品容器。

二、美國化學理事會(The American Chemistry Council, ACC)旋即以該理事會已於本年3月15日向法院提出要求OEHHA將BPA從有害化學物質列表中移除之訴訟尚在審理為由，請求法院阻止OEHHA執行前述公告內容。加州沙加緬度法院於4月19日裁定OEHHA需暫時將BPA從有害化學物質清單

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中移除。

三、除第65號法案之外，加州亦已於2011年10月通過第AB 1319號修正案，規定自2013年7月1日起，在加州生產及銷售之3歲以下嬰幼兒使用之食品或飲料容器及餐具中BPA驗出含量不可超過0.1 ppb，該法案內容如附件，請提醒出口廠商注意此即將生效之規定。

四、查BPA常見於塑膠製品內，係一種環境荷爾蒙（Environmental Hormones），其成分即使少量也可能導致健康危害。若長期暴露可能導致孩童青春期早熟、肥胖、糖尿病、過動症、記憶受損，也可能增加乳癌、睪丸癌、前列腺癌的發生率。BPA常用於製造食品及飲料容器，如PC 製嬰兒奶瓶、水壺、可微波的食品容器，以及金屬食品罐頭等。

五、除加州之外，美國其他各州包括康乃迪克州、德拉瓦州、緬因州、馬里蘭州、麻塞諸塞州、明尼蘇達州、紐約州、佛蒙特州、華盛頓州、威斯康辛州及華盛頓特區均已立法限制BPA之使用。

六、請惠轉知國內相關業者及公協會密切注意本案相關規定，本組亦將持續蒐報相關進展。

正本：經濟部國際貿易局
副本：行政院衛生署、經濟部工業局、經濟部標準檢驗局、經濟部國際貿易局雙邊貿易二組 電子公文交換章 2013/04/23 10:49:23

駐洛杉磯辦事處經濟組

Assembly Bill No. 1319

CHAPTER 467

An act to add Chapter 12 (commencing with Section 108940) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety.

[Approved by Governor October 4, 2011. Filed with Secretary of State October 4, 2011.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1319, Butler. Product safety: bisphenol A.

Existing law, part of the hazardous waste control law, requires the Department of Toxic Substances Control to adopt regulations to establish a process by which chemicals or chemical ingredients in products may be identified and prioritized for consideration as being chemicals of concern and to adopt regulations to establish a process by which chemicals of concern may be evaluated. The department is prohibited from duplicating or adopting conflicting regulations for regulated product categories. A violation of the hazardous waste control law is a crime.

The bill would enact the Toxin-Free Infants and Toddlers Act, which would, except as specified, prohibit, on and after July 1, 2013, the manufacture, sale, or distribution in commerce of any bottle or cup that contains bisphenol A, at a detectable level above 0.1 parts per billion (ppb), if the bottle or cup is designed or intended to be filled with any liquid, food, or beverage intended primarily for consumption by children 3 years of age or younger. This prohibition would not apply to a product subject to a regulatory response by the department, on the date that a prescribed notice is posted regarding the department's adoption of the regulatory response. The bill would also require manufacturers to use the least toxic alternative when replacing bisphenol A in containers in accordance with this bill.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Toxin-Free Infants and Toddlers Act.

SEC. 2. Chapter 12 (commencing with Section 108940) is added to Part 3 of Division 104 of the Health and Safety Code, to read:

CHAPTER 12. BISPHENOL A

108940. (a) On and after July 1, 2013, no person shall manufacture, sell, or distribute in commerce any bottle or cup that contains bisphenol A, at a detectable level above 0.1 parts per billion (ppb), if the bottle or cup is

designed or intended to be filled with any liquid, food, or beverage intended primarily for consumption from that bottle or cup by children three years of age or younger.

(b) Subdivision (a) shall not apply to medical devices, as defined in Section 109920, or to food and beverage containers designed or intended primarily to contain liquid, food, or beverages for consumption by the general population.

(c) Notwithstanding subdivision (a), if the Department of Toxic Substances Control adopts a regulatory response described in Section 25253 regarding the use of bisphenol A in a product that is prohibited by this section, the prohibition of this section shall not apply to that product upon the date that the department posts a notice on its Internet Web site that it has adopted the response.

(d) Notwithstanding subdivisions (b) and (c) of Section 25257.1, this section shall not be construed to prohibit or restrict the authority of the Department of Toxic Substances Control to prioritize or take action on any products containing bisphenol A in order to limit exposure to or reduce the level of hazard posed by bisphenol A.

108941. (a) Manufacturers shall use the least toxic alternative when replacing bisphenol A in containers in accordance with this chapter.

(b) Manufacturers shall not replace bisphenol A, pursuant to this chapter, with chemicals classified by the United States Environmental Protection Agency as carcinogenic to humans, likely to be carcinogenic to humans, or for which there is suggestive evidence of carcinogenic potential, or identified by the state to cause cancer as listed in the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) list of chemicals known to cause cancer or reproductive toxicity.

(c) Manufacturers shall not replace bisphenol A, pursuant to this chapter, with reproductive toxicants that cause birth defects, reproductive harm, or developmental harm as identified by the United States Environmental Protection Agency or listed in the Safe Drinking Water and Toxic Enforcement Act of 1986 (Chapter 6.6 (commencing with Section 25249.5) of Division 20) list of chemicals known to cause cancer or reproductive toxicity.

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