



PVC TECH CORP COMPLIANCE SUMMARY - 2011

Bisphenol A

Bisphenol A or BPA is a building block of several important polymers and polymer additives used in the production of polycarbonates.

What products contain BPA? Out of the seven classes of plastics used in packaging applications, Bisphenol A can only be found in plastic products marked as follows:



PVC
Some Type 3 Plastics
may leach Bisphenol A



OTHER
Some Type 7 Plastics
may leach Bisphenol A
This includes:
Acrylic
Acrylonitrile
Butadiene Styrene
Fiberglass
Nylon
Polycarbonate
Polylactic Acid

Bisphenol A is **NOT** used during polymerization or package forming for the following:

Type 1	PET
Type 2	HDPE
Type 4	LDPE
Type 5	POLYPROPYLENE
Type 6	POLYSTYRENE

So if you DON'T buy Type 3 PVC plastics or Type 7, then BPA legislation will probably not affect you.

Why is BPA such a hot button issue?

BPA has become increasingly controversial over the last few years due to fears that continued human exposure would induce chronic toxicity. Particularly with polycarbonate baby bottles exposed to heat and heated liquids that would encourage leaching of BPA into food and drink content.

Being an endocrine disruptor, BPA is suspected to have adverse health effects, primarily affecting reproduction. There has also been environmental concern over the risk posed by having BPA leach into landfills and bodies of water, consequently affecting the food chain.



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At this time, BPA is not **nationally** regulated in the United States. Though the FDA formerly deemed BPA to not be of “sufficient concern” to institute a ban, growing public uproar over its effects has urged the FDA to recently revise its position where it now supports steps to reduce BPA exposure while it pursues additional studies.

Is BPA banned anywhere?

In the US, there is currently no nationwide or federal ban on BPA though a number of states have issued regulations. Canada and Europe have both issued bans on BPA. See below:

UNITED STATES	
<p>CHICAGO – BPA Free Kids Ordinance Section 7-8-637, Chapter 7-28, Municipal Code of Chicago</p>	<p>Effective January 31, 2010 – Bans BPA in any containers such as an empty bottle or cup to be filled with food or liquid for children under 3 years old.</p>
<p>CONNECTICUT – State of Connecticut Substitute House Bill No. 6572 Public Act No. 09-103</p>	<p>Effective October 1, 2011 – Bans the manufacture, sale or distribution of any reusable food or beverage container with BPA, including but not limited to baby bottles, spill-proof cups, sports bottles and thermoses, and excluding, food or beverage containers intended for disposal after initial use.</p> <p>Effective October 1, 2011 – Bans the sale or distribution of infant formula or baby food (2 years and under) stored in a plastic container, jar or can that contains BPA.</p> <p>From October 1, 2011 to October 1, 2012 – Allows the sale or distribution of <u>existing inventory</u> of infant formula or baby food containers, jars or cans with BPA provided that the above can be proven to have been purchased or acquired prior to Oct. 1, 2011 in a quantity comparable to what was purchased for the same period of the prior year.</p>

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MAINE – Chapter 882 Act to Protect Children’s Health and the Environment from Toxic Chemicals in Toys and Children’s Products (Public Law 643, LD 2048, 123rd Session)	Effective January 1, 2012 – Prohibits the use of BPA in any reusable food or beverage container. By July 8, 2011 : Requires Manufacturers of infant formula or baby food sold in a plastic container, jar or can, and Manufacturers of toy, child care articles and tableware to submit information to the Dept. of Environmental Protection (DEP).
MARYLAND – Section 24-304 Article – Chapter 47 (HB 33, 2010) / Chapter 46 (SB 213, 2010)	Effective January 1, 2012 – Bans the manufacture, sale or distribution of any child care article containing BPA. “Child Care Article” defined as “an empty bottle or cup to be filled with food or liquid that is designed or intended by a manufacturer to be used by a child under the age of four (4).”
MINNESOTA – Minnesota Statutes Chapter 40 Sections 325F.172 and 173	Effective January 1, 2010 – Bans the manufacture and wholesale. Effective January 1, 2011 - Bans retail sales. Both of the above applies to children’s products defined as an empty bottle or cup to be filled with food or liquid designed or intended by a manufacturer to be used by a child under 3 years of age.
NEW YORK – “The Bisphenol A-Free Children and Babies Act” – A6919	Effective December 1, 2010 – Bans the manufacture, sale and distribution of any child care products, beverage containers or sucking/teething products that contain BPA intended for children under 3 years of age.

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NEW YORK ALBANY COUNTY – Local Law No. C for 2010	Effective Jan. 1, 2010 – Bans the sale of children’s beverage containers, pacifiers or replacement nipples for bottles that contain BPA. “Children’s Beverage Containers” include but are not limited to: any unfilled bottle, cup, cup lid, pacifier, replacement nipple for bottles, straws or other containers intended to be used by children under the age of three (3) years old and intended to be placed in the mouth or for the consumption of liquids.
NEW YORK ROCKLAND COUNTY – “The BPA-Free Children and Babies Law” - Local Law No. 5 of 2010	Effective September 5, 2010 – Bans the sale of children’s beverage containers or sucking/teething products that contain BPA.
NEW YORK SCHENECTADY COUNTY – Toxin Free Toddler and Babies Act – Local Law No. 02-2009	Effective November 17, 2009 – Bans BPA in children’s beverage containers, defined as any unfilled bottle, cup, cup lid, straw or other container intended to be used by children under 3 years of age for the consumption of liquids.
NEW YORK SUFFOLK COUNTY – Toxin Free Toddler and Babies Act	2009 - Bans BPA in children’s beverage containers, defined as any bottle, cup, cup lid, straw or other container intended to be used by children under 3 years of age for the consumption of liquids.
VERMONT – Act 112 (S. 247)	Effective July 1, 2012 – Bans the manufacture, sale or distribution of any infant formula or baby food stored in a REUSABLE food or beverage container containing BPA. This does not apply

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<p>VERMONT – Act 112 (S. 247)</p>	<p>to containers intended for disposal after initial use, commercial water cooler jugs are also exempt.</p> <p>Effective July 1, 2012 – Bans the manufacture, sale or distribution of any infant formula or baby food stored in a PLASTIC container or jar containing BPA.</p> <p>Effective July 1, 2014 – Bans the manufacture, sale or distribution of any infant formula or baby food stored in a CAN containing BPA.</p>
<p>WASHINGTON – Chapter 140 (SB 6248)</p>	<p>Effective July 1, 2011 – Bans the manufacture, sale and distribution of any bottle, cup, or any other container that contains BPA intended to be filled with any liquid, food or beverage to be consumed by a child three years of age or younger.</p> <p>Exempted: Cans where the metal substrate and can ends are equal to or thinner than 0.0149”.</p> <p>Effective July 1, 2012 – Bans the manufacture, sale and distribution of any sports bottles (64oz or less in size) containing BPA.</p>
<p>WISCONSIN – BPA-Free Kids Act, Wisconsin Act 145 (Senate Bill 271)</p>	<p>Effective June 15, 2010 – Bans the manufacture, retail and wholesale sale of any child’s container defined as “an empty baby bottle or spill-proof cup primarily intended by the manufacturer for use by a child three years of age or younger.”</p> <p>It also requires labeling of the child’s container intended for retail or wholesale as not containing BPA. This act does not apply to the sale of a used child’s container.</p>

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It is important to note that at this time, there are acts and regulations on the house and senate levels introduced by different states across the country as well as Hawaii still pending approval.

Only five (5) of all the introduced pieces of legislation have died, the remainder are all under review or have passed.

CANADA	
Health Canada	Canada has issued a ban on polycarbonate baby bottles containing BPA. Canada has included BPA in Schedule 1 of the Canadian Environmental Protection Act.

EUROPEAN UNION	
EU Directive 2004/19/EC	Food packaging has been assigned a specific migration limit for BPA of no more than 0.6 mg/kg or 5 .6ppm.
EFSA (European Food Safety Authority)	Designates a Tolerable Daily Intake (TDI) level of .0.05 ppm per day per individual.
European Commission	Polycarbonate baby bottles manufactured by EU countries must cease production by March 2011. The sale and importation of baby bottles with BPA in the EU is banned by June 2011.



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PVC Tech Corp and BPA:

Regulations concerning BPA continue to evolve as governments at every level attempt to address public concern and take varying scientific assessments into account. Market reactions have resulted in numerous products being pulled off shelves as well as products being liberally branded as “BPA Free” – a tag that can ultimately be misleading when products are found with traces of BPA.

At PVC Tech Corp, we want to perpetuate accuracy and not confusion. Therefore, we have been more prudent and precise in our approach by indicating that BPA in specifically engineered films we produce may be “low or limited”. Depending on the film requirement, we have and can design custom films significantly limiting BPA to a measure of 10 MDL or below. This would be for a custom designed film produced to an application and supplied with a third party test.

Though we do not regularly stock BPA-limited films at this time, we have the ability to engineer films to certain specifications which address this concern.