



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION



PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

Memorandum

To: Board of Environmental Protection
From: George MacDonald, DEP Sustainability Director
Date: July 18, 2013
Re: Chapter 882 Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products / Amendments

Background:

The Department received a citizen petition in July 2012 to initiate rulemaking to amend Chapter 882 to require safer alternatives to bisphenol A in the packaging of infant formula, baby food and toddler food. The Board and Commissioner held a joint public hearing on the petitioners' proposed amendments to Chapter 882 on September 6, 2012. The written comment period closed on September 28, 2012. The Board and Commissioner held deliberative sessions on December 6, 2012, December 20, 2012, January 3, 2013, January 17, 2013, and January 24, 2013. The rule was provisionally adopted on January 24, 2013 and Resolves 2013, ch. 44 was enacted authorizing final adoption of the rule.

Revised Rule:

The rule:

- Includes a prohibition on the sale of infant formula packaging containing intentionally added BPA in an amount greater than a de minimis level;
- Includes a prohibition on the sale of baby food packaging containing intentionally added BPA in an amount greater than a de minimis level; and
- Establishes an effective date of March 1, 2014.

The language proposed for final adoption is attached.

Requested Action: Final Adoption.