Rulemaking Fact Sheet

(5 MRSA §8057-A)

AGENCY: 06-096 Department of Environmental Protection

CHAPTER NUMBER AND TITLE: Chapter 882 Designation of Bisphenol A as a Priority Chemical and Regulation of Bisphenol A in Children's Products / Citizen Initiated Petition to Amend Section 2 and Section 5

PROPOSED RULE NUMBER: 06-096 c 882

CONTACT PERSON FOR THIS RULE / SMALL BUSINESS INFORMATON:

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Department website for rulemaking information: www.maine.gov/dep/rules

PUBLIC HEARING: Thursday, September 6, 2012 beginning at 9:00 am at the Augusta Civic Center, 76 Community Drive, Augusta, Maine. Following an introduction by the petitioners, the Board anticipates that it will hear testimony beginning with technical experts followed by testimony from the general public. The rule amendments as proposed by the petition and the petitioners' supporting documents are available on the Board's webpage at http://www.maine.gov/dep/bep/index.htm.

COMMENT DEADLINE: The deadline for receipt of written comments on the proposed rule is 5:00 pm September 28, 2012. Comments may be submitted by mail, electronic mail or fax. Please include your name and the organization you represent, if any.

BRIEF SUMMARY:* The Maine Administrative Procedure Act, 5 M.R.S.A. § 8055(3) states, "Whenever a petition to adopt or modify a rule is submitted by 150 or more registered voters of the State, the agency shall initiate appropriate rulemaking proceedings within 60-days after receipt of the petition."

The citizen petition seeks to amend Chapter 882 Designation of Bisphenol A (BPA) as a Priority Chemical and Regulation of Bisphenol A in Children's Products to:

- Add a definition of "toddler food;"
- Extend the existing prohibition on the sale of children's products containing BPA to include containers of infant food and baby formula, effective January 1, 2013, and containers of toddler food, effective January 1, 2014; and
- Specify that BPA is intentionally added to a product or product packaging whenever a component of that product or product packaging is made from polycarbonate plastic or epoxy resin containing BPA.

The proposed rule would amend both routine technical and major substantive provisions of rule. Accordingly, the hearing will be a joint hearing before the Board and the Commissioner.

IMPACT ON MUNICIPALITIES OR COUNTIES (if any): N/A

STATUTORY AUTHORITY FOR THE RULE: 5 M.R.S.A. § 8055(3), 38 M.R.S.A. § 341-H, and 38 M.R.S.A. § 1696.
SUBSTANTIVE STATE OR FEDERAL LAW BEING IMPLEMENTED (if different): N/A
E-MAIL FOR OVERALL AGENCY RULE-MAKING LIAISON: Terry.Dawson@maine.gov

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x *The above summary is for use in both the newspaper and website notices.*

Please approve bottom portion of this form and assign appropriate AdvantageME number.

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