

1 [Child product safety.]

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3 **Ordinance amending the San Francisco Health Code by adding Chapter 34, Sections**
4 **34.1 through 34.3, to prohibit the manufacture, sale, or distribution in commerce of any**
5 **toy or child care article that is intended for use by a child under three years of age if it**
6 **contains bisphenol-A or other specified chemicals, and to require manufacturers to use**
7 **the least toxic alternative to those substances, and setting an operative date.**

8 Note: Additions are *single-underline italics Times New Roman*;
9 deletions are *strikethrough italics Times New Roman*.
10 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

11 Be it ordained by the People of the City and County of San Francisco:

12 Section 1. The San Francisco Health Code is hereby amended by adding Chapter 34,
13 Sections 34.1 through 34.3, to read as follows:

14 **SEC. 34.1. PROHIBITING THE SALE OF TOYS AND CHILD CARE ARTICLES MADE WITH**
15 **BISPHENOL-A.**

16 *(a) Bisphenol-A, an estrogen-mimicking endocrine disrupter chemical, is used in the*
17 *production of epoxy resins and poly carbonate plastics and is the main ingredient in hard*
18 *polycarbonate plastics. The plastics are used in many food and drink packaging applications, and the*
19 *resins are commonly used as lacquers to coat metal products such as food cans, bottle tops, and water*
20 *supply pipes.*

21 *(b) Bisphenol-A has been shown to have hormone-disrupting effects and is used in many*
22 *products designed for children, including, but not limited to, toys, pacifiers, baby bottles, and teethers.*

23 *(c) No person or entity shall manufacture, sell, or distribute in commerce within the City and*
24 *County of San Francisco any toy or child care article intended for use by a child under three years of*
25 *age if that product has been made with or contains bisphenol-A.*

1 (d) For the purposes of this Chapter, the following terms have the following meanings:

2 (i) "Toy" means an article designed and made for the amusement of a child or for his or her use
3 in play.

4 (ii) "Child care article" means all products designed or intended by the manufacturer to
5 facilitate sleep, relaxation, or the feeding of children or to help children with sucking or teething.

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7 **SEC. 34.2. PROHIBITING THE SALE OF TOYS AND CHILD CARE ARTICLES MADE WITH**
8 **PHTHALATES.**

9 (a) Phthalates are chemicals used to plasticize some food containers, plastic wrap, toys,
10 shampoos, perfumes, and beauty products.

11 (b) Phthalates have been shown to have hormone-disrupting effects. However, they are used in
12 many products intended for use by young children, including, but not limited to, toys, pacifiers, baby
13 bottles, and teethers.

14 (c) No person or entity shall manufacture, sell, or distribute in commerce within the City and
15 County of San Francisco any toy or child care article that is made with or contains di (2-ethylhexyl)
16 phthalate (DEHP), di butyl phthalate (DBP), or benzyl butyl phthalate (BBP) in concentrations
17 exceeding 0.1 percent.

18 (d) No person or entity shall manufacture, sell, or distribute in commerce within the City and
19 County of San Francisco any toy or child care article intended for use by a child under three years of
20 age if that product can be placed in the child's mouth and has been made with or contains diisononyl
21 phthalate (DINP), diisodecyl phthalate (DIDP), or di-n –octyl phthalate (DnOP) in concentrations
22 exceeding 0.1 percent.

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1 **SEC. 34.3. LEAST-TOXIC ALTERNATIVES.**

2 (a) Manufacturers within the City and County of San Francisco shall use the least toxic
3 alternative when replacing bisphenol-A and phthalates in accordance with this Chapter.

4 (b) Manufacturers shall not replace bisphenol-A and phthalates pursuant to this Chapter with
5 carcinogens rated by the United States Environmental Protection Agency as A, B, or C carcinogens, or
6 substances listed as known or likely carcinogens, known to be human carcinogens, likely to be human
7 carcinogens, as described in the "List of Chemicals Evaluated for Carcinogenic Potential," or known to
8 the State of California to cause cancer as listed in the California Safe Drinking Water Act (Chapter 4
9 (commencing with Section 116270) of Part 12 of the California Health and Safety Code).

10 (c) Manufacturers shall not replace bisphenol-A and phthalates pursuant to this Chapter with
11 reproductive toxicants that cause birth defects, reproductive harm, or developmental harm as identified
12 by the United States Environmental Protection Agency or listed in the California Safe Drinking Water
13 Act (Chapter 4 (commencing with Section 116270) of Part 12 of the California Health and Safety
14 Code).

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16 Section 2. The provisions of this ordinance shall become operative on December 1,
17 2006, following the close of the 2005-2006 regular session of the California Legislature. This
18 ordinance shall be suspended by operation of law upon the operative date of any substantially
19 similar legislation enacted by the State of California.

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21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By: _____
24 THOMAS J. OWEN
25 Deputy City Attorney