



Kate Harrison
Councilmember District 4

CONSENT CALENDAR
October 17th, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Harrison, Davila, and Bartlett
Subject: Ban on Receipts Made with BPA and Other Phenols

RECOMMENDATION

Refer to the Health Commission an Ordinance to ban the manufacture, dzistribution, sale, or use of receipt paper that contains BPA or other phenols.

BACKGROUND

Thermal paper, a kind of paper used in many receipt printers, often contains a chemical know as bisphenol a (BPA). Multiple studies have indicated a strong possibility that BPA acts as a synthetic estrogen and endocrine disruptor in humans and poses multiple possible health risks, including an altered immune system, hyperactivity, learning disabilities, reproductive health problems, increased risk of breast and prostate cancer, obesity, and diabetes, especially in infants and fetuses. Evidence also suggests that other phenols, like bisphenol s (BPS) and bisphenol f (BPF) may also pose significant health concerns to humans.

The BPA in receipt paper can be readily absorbed through the skin when handled or ingested through hand to mouth exchange. Those who frequently handle receipts, like cashiers, have been shown to have significantly higher concentrations of BPA in their bodies than other adults.

In following the precautionary principle, the Council should take reasonable steps to minimize human exposure to BPA and related compounds, especially for those employed in fields that put them in repeated and extended contact with such compounds. Banning the use of receipt paper containing phenols is a narrow and targeted way of addressing these concerns.

The enforcement of this ordinance would mirror that in BMC 11.58, 11.60, and 11.62, measures restricting the sale and use of chlorofluorocarbon-processed food packaging, polystyrene food packaging, and products that utilize ozone-depleting compounds respectively.

While there are reasonable concerns over the somewhat higher cost of phenol-free paper, there are many options for paperless transaction records that are widely used in

Berkeley businesses. This ordinance thus serves the dual purpose of reducing BPA exposure and promoting electronic receipts by making receipt paper more expensive.

FISCAL IMPACTS

Staff time to implement and enforce the ordinance.

ENVIRONMENTAL SUSTAINABILITY

Reducing exposure to phenols is consistent with Berkeley's goals of advancing environmental sustainability and health. The higher cost of phenol free paper will help to reduce unnecessary paper consumption.

CONTACT PERSON

Kate Harrison, Councilmember, (510) 981-7140

Attachments:

1: Ordinance

ORDINANCE NO. -N.S.

BAN OF RECEIPT PAPER CONTAINING BISPHENOL A AND OTHER PHENOLS;
ADDING BERKELEY MUNICIPAL CODE CHAPTER 11.74

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Chapter 11.74 is added to the Berkeley Municipal Code to read as follows:

Chapter 11.74 Ban of Receipt Paper Containing Bisphenol A and Other Phenols.

Sections:

- 11.74.010 Finding and purpose.
- 11.74.020 Prohibition.
- 11.74.030 Existing contracts exempted.
- 11.74.040 City of Berkeley: purchases prohibited.
- 11.74.050 City Manager's powers.
- 11.74.060 Liability and enforcement.
- 11.74.070 Severability.
- 11.74.080 Effective date.

11.74.010 Findings and purpose.

The council finds and declares as follows:

- A. Available scientific evidence indicates a strong possibility that bisphenol A (BPA) acts as a synthetic estrogen and endocrine disruptor in humans and poses multiple possible health risks, including an altered immune system, hyperactivity, learning disabilities, reproductive health problems, increased risk of breast and prostate cancer, obesity, and diabetes, especially in infants and fetuses.
- B. Thermal receipt paper contains BPA, which can be readily absorbed through the skin when handled or ingested through hand to mouth exchange. Those who frequently handle receipts, like cashiers, have been shown to have significantly higher concentrations of BPA in their bodies than other adults.
- C. Scientific evidence also suggests that other phenols commonly used as a replacement for BPA, like bisphenol S (BPS) and bisphenol F (BPF), may pose similar health concerns as BPA.
- D. There are multiple manufacturers that produce thermal paper that does not contain BPA or other phenols.

E. It is the intent of the council to reduce the amount of products containing BPA and other phenols purchased and used by the City and people of Berkeley and thereby to reduce the potential for negative health effects associated with these products.

11.74.020 Prohibition.

No person or entity shall manufacture, distribute, sell, or use any paper containing BPA or other phenols for the recording of any business or banking transaction including, but not limited to, receipts, credits, withdrawals, deposits, and credit and debit card records, or for use in any cash register or receipt printer used for any purpose.

11.74.030 Existing contracts exempted.

Receipt paper required to be purchased under a contract entered into prior to this ordinance becoming effective is exempt from the provisions of this chapter.

11.74.040 City of Berkeley: purchases prohibited.

The City of Berkeley shall not purchase any receipt paper containing phenols, nor shall any City-sponsored event utilize such paper.

11.74.050 City Manager's powers.

The City Manager is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, inspecting any vendor's premises to verify compliance.

11.74.060 Liability and enforcement.

A. Anyone violating or failing to comply with any of the requirements of this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

B. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.

C. The remedies and penalties provided in this section are cumulative and not exclusive.

11.74.070 Severability.

If any part or provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this chapter are severable.

11.74.080 Effective date.

The provisions of this chapter shall become effective 365 days after the passage of this ordinance.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

