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March 2, 2009

The Honorable Edward Meyer, Senate Chairman
The Honorable Richard Roy, House Chairman
Joint Committee on the Environment
Legislative Office Building, Room 3200
Hartford, CT 06106-1591

RE: Senate Bill 791 and House Bill 6572

Dear Chairmen:

On behalf of the Grocery Manufacturers Association (GMA)¹ I would like to take this opportunity to register our opposition to Senate Bill 791 and House Bill 6572. GMA and its member companies support the goals of this legislation; to ensure that the products that the citizens of Connecticut come in contact with are safe and free of unnecessary risk to health and wellbeing. However, bisphenol A (BPA), which these bills seek to ban, does not pose a risk to the health and wellbeing of the citizens of Connecticut.

Product safety and regulatory decisions are made on the entire body of scientific evidence, which to date supports the safety of BPA. As new science, research and studies are conducted, it is the obligation of our industry and the appropriate regulatory authorities to review that evidence and make the appropriate decisions that ensure the continued safety of our products. Product safety and consumer confidence are the foundation of the food, beverage and consumer packaged goods industry. Without it, nothing else we do is possible, and we constantly test and review our products and packaging to ensure their safety.

BPA has been used in combination with other chemicals in the production of certain plastics and resins for many years. Some examples are polycarbonate, a clear, rigid, light-weight plastic used for beverage bottles and protective epoxy coatings that line the inside of food and drink cans. These protective coatings help maintain the safety and quality of canned foods and beverages, by preventing the contents from reacting with the metal that forms the can.

The U.S. Food & Drug Administration (FDA), the European Food Safety Authority (EFSA) and the World Health Organization (WHO) have all evaluated and approved the safety of BPA. BPA is approved by FDA for use in food contact applications, and for more than 40 years it has played an essential part in food preservation. In addition to the WHO and the EFSA, several other prominent international bodies have also agreed with FDA regarding the safety of BPA. These include the Health and Consumer Protection Directorate of the European Commission; the European Chemical Bureau of the European Union; the European Scientific Panel on Food Additives, Flavorings, Processing Aids, and Materials in Contact with Food; and the Japanese National Institute of Advanced Industrial Science and Technology. GMA is confident that the risk-analysis approach utilized by

¹ The Grocery Manufacturers Association (GMA) represents the world's leading food, beverage and consumer products companies. The association promotes sound public policy, champions initiatives that increase productivity and growth and helps to protect the safety and security of the food supply through scientific excellence. The GMA board of directors is comprised chief executive officers from the Association's member companies. The \$2.1 trillion food, beverage and consumer packaged goods industry employs 14 million workers, and contributes over \$1 trillion in added value to the nation's economy.

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national and international regulatory agencies around the world to evaluate the risk associated with BPA exposure is scientifically sound and appropriate.

Some research scientists argue that BPA and other synthetic chemicals (called "endocrine disrupters") may mimic the effects of the natural hormone estrogen in the body and therefore interfere with normal reproduction. However, many scientists, and regulatory agencies including FDA and the European Food Safety Authority, disagree. They maintain there is no evidence from validated, widely accepted testing protocols that such effects would occur in humans at the very low levels of exposure people actually experience. Leading experts in the field believe that the potential effect -- if any -- of synthetic estrogen-mimicking compounds in the environment pale in comparison to the effects of estrogens that occur naturally in the body.

Most scientific authorities agree there is no public health concern about plastic bottles or cans lined with epoxy coatings that help preserve their contents. The FDA and the European Food Safety Authority say BPA use in bottles and can linings is safe. Extensive scientific investigation has been conducted by government, academic and private sector researchers into the potential of BPA and other plastic and epoxy coating compounds to produce reproductive and developmental toxicity, two possible manifestations of estrogenic effects. Based on results of these studies there is no evidence that the compounds are reproductive toxicants.

Extensive studies have also looked at the potential for BPA to migrate from can coatings and food containers into various kinds of foods under various conditions. After careful review of available data, and using conservative estimates of dietary exposures based on migration into food under intentionally exaggerated test conditions, experts have concluded that human exposure to these substances from food packaging is minimal and poses no risk.

In February of 2007, the European Food Safety Authority completed its review of new studies published since 2002 and finalized a Tolerable Daily Intake (TDI), or safe daily exposure level, for BPA. The new data included a reproduction study in mice that followed offspring for 2 generations. The EFSA TDI is 0.05 mg/kg bodyweight/day. EFSA found that exposure to BPA in the diet is well below the TDI. This is true for all population groups including infants and children, who have the highest potential dietary exposure relative to body weight of any population group. EFSA found that a 3-month old baby weighing 6 kg (13.2 lb) would have to consume more than 4 times the normal number of bottles of formula per day to reach the TDI.

Additionally, in July and October of 2008 the EFSA's panel that examines food contact substances concluded, in response to two requests to re-examine BPA's safety and to a recent report in the Journal of the American Medical Association, that there is no need to reestablish new TDI levels. EFSA concluded a causal link between the diseases addressed in the JAMA report and low exposures of adults to BPA cannot be established. EFSA reported that there are significant metabolic differences between humans and rodents and the fact that people metabolize and excrete BPA far more quickly than rodents reduces the relevance of low-dose studies when considering human TDI for BPA. The EFSA also looked at the U.S. National Toxicology Program's draft brief on BPA and Canada's action on BPA when making their conclusions. Highlighting the scientific inconsistencies with Canada's recent decision on BPA, EFSA's former AFC panel (the panel on additives, flavorings, processing aids and materials in contact with food) reported, "The Canadian risk assessment takes a precautionary approach for these sensitive life stages, taking into account the findings in the low-dose studies, although commenting that these are limited in rigor, consistency and biological plausibility."

The US Centers for Disease Control and Prevention (CDC) recently published biomonitoring data from a large-scale study that represents the entire US population aged 2 months and older. The data show that typical human daily intake of BPA is one million times less than the levels that showed no adverse effects in multi-generation

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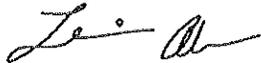
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animal studies, and one thousand times less than the very conservative regulatory limits set by the US and European governments.

In closing, let me underscore that even in the absence of legal and self-regulatory incentives, of which there are many, food and consumer products manufacturers have ample incentives to provide products that are safe and without unnecessary risks to their customers. Manufacturers of brands rely on repeat business. Repeat business depends on consumer confidence in the manufacturer. Thus, when a citizen goes to a market for a favorite product, the entire industry recognizes the shopper's trust in the businesses that brought that brand to the market. That trust is critical to his or her decision to purchase that product again. In addition, manufacturers have invested hundreds of millions of dollars to manufacture products that are safe and produce the performance the consumer desires.

Based on the entire body of scientific evidence, and the findings of numerous health authorities and researchers, consumers can continue to safely enjoy foods and beverages in the many forms of packaging provided, including those that contain BPA, without changing their purchasing or eating patterns. For these reasons, GMA strongly opposes Senate Bill 791 and House Bill 6572 that propose to ban BPA in certain products. Thank you for the opportunity to present testimony on behalf of GMA. If you or members of your committee have any questions, please do not hesitate to contact me at (617) 515-2458 or at lalusic@gmaonline.org.

Sincerely,



Lorin Alusic
Director, State Affairs
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