



MEMO IN OPPOSITION
JOINT COMMITTEE ON ENVIRONMENT

HB 5116 – AN ACT Requiring the Labeling of Food Packaging
That Contains Bisphenol-A
Hartford, CT
March 7, 2012

The American Chemistry Council¹, on behalf of the Polycarbonate/BPA Global Group, submits this memo in opposition to the HB 5116. The Polycarbonate/BPA Global Group represents the leading global manufacturers of bisphenol A (BPA) and polycarbonate plastic. For many years the group has sponsored scientific research to understand whether BPA has the potential to cause health or environmental effects and to support scientifically sound policy.

Beginning January 1, 2013, HB 5116 would require that any food packaging that contains BPA shall display a label stating "THIS PACKAGE CONTAINS BISPENOL-A." As briefly outlined in this memo and attachments, we oppose HB 5116 and encourage the Committee to vote No on this bill.

BPA is Used to Make Shatter-Resistant Polycarbonate Plastic and Durable Epoxy Resins

Bisphenol A is used primarily as a raw material to make polycarbonate plastic. Polycarbonate is a clear, highly shatter-resistant plastic that is used in a wide range of consumer products such as sports safety equipment (e.g., bicycle or hockey helmets), components of life-saving medical devices (e.g., blood oxygenators, incubators), eyeglass lenses, CDs and DVDs, electronic equipment housings, automobile components (e.g., headlamp lenses) and certain reusable food or beverage containers.

Epoxy resins are durable, chemically-resistant materials that are commonly used as protective coatings or adhesives in both industrial and consumer products. Common examples

¹ The American Chemistry Council represents the leading companies engaged in the business of chemistry. Council members apply the science of chemistry to make innovative products and services that make people's lives better, healthier and safer. The Council is committed to improved environmental, health and safety performance through Responsible Care®, common sense advocacy designed to address major public policy issues, and health and environmental research and product testing. The business of chemistry is a \$435 billion enterprise and a key element of the nation's economy. It is the nation's largest exporter, accounting for ten cents out of every dollar in U.S. exports. Chemistry companies invest more in research and development than any other business sector.

include corrosion-resistant coatings for structural steel, automobile primer coatings, industrial flooring, and the resin matrix in fiber reinforced composite applications. Epoxy resins are widely used as the protective coating in food and beverage cans where they provide a significant public health benefit by preventing corrosion.

Each of these materials has been used commercially for more than 50 years and, during this time, BPA has become one of the best tested substances in commerce. It is important to note that both polycarbonate plastic and epoxy resins are formed by chemical reactions between BPA and other substances. As a result of the chemical reactions, these materials in finished form contain only trace levels of residual BPA, typically at levels less than 50 parts per million (< 0.005% by weight).

No Scientific Basis To Support HB 5116

In general, food packaging is regulated nationally by the US Food and Drug Administration (FDA). To address recent controversy regarding BPA, FDA is currently undertaking a scientific review of the safety of BPA in food contact products. In its most recent update in January 2010, as summarized in Attachments 1 and 2, FDA reaffirmed that “BPA is not proven to harm children or adults.” As noted by Dr. Joshua Sharfstein of FDA, “If we thought it was unsafe, we would be taking strong regulatory action.

In addition to reviewing existing scientific information on BPA, FDA is also conducting research in its own laboratory to answer key scientific questions and clarify uncertainties. To date, FDA has published eight studies from their ongoing research in the peer-reviewed scientific literature.^{2,3,4,5,6,7,8,9} Collectively, these new studies provide additional strong support for FDA’s current view that BPA is safe for use in food packaging.

It is also important to note that many other regulatory agencies worldwide have also reviewed the science on BPA and have determined that BPA is safe for use in food packaging. These reviews are also summarized in Attachments 1 and 2. Most recently, in December 2011, the European Food Safety Authority updated their comprehensive scientific assessment of BPA that had been conducted by a panel of independent scientific experts from throughout Europe. The update reaffirmed the panel’s previous conclusion that they “could not identify any new evidence which would lead them to revise the current Tolerable Daily Intake [TDI],” which is a safe intake level. In its previous updates, EFSA stated that the TDI “provides a sufficient margin of safety for the protection of the consumer, including fetuses and newborns.”

Based on the extensive scientific database available for BPA and the many scientific reviews by regulatory bodies worldwide that reaffirm the safety of BPA, there is no current need for legislation on BPA. We encourage you to vote No on HB 5116.

Please feel free to contact me at any time if you have any questions or need further information. I can be reached at (202) 249-6624 and by e-mail at steve_hentges@americanchemistry.com.

Regards,



Steven G. Hentges, Ph.D.
Polycarbonate/BPA Global Group

Attachments

² Doerge, D. R., Twaddle, N. C., Woodling, K. A., and Fisher, J. W. 2010. Pharmacokinetics of bisphenol A in neonatal and adult rhesus monkeys. *Toxicology and Applied Pharmacology*. 248(1):1-11.

³ Doerge, D. R., Twaddle, N. C., Vanlandingham, M., and Fisher, J. W. 2010. Pharmacokinetics of bisphenol A in neonatal and adult Sprague-Dawley rats. *Toxicology and Applied Pharmacology*. 247(2):158-165.

⁴ Doerge, D. R., Vanlandingham, M., Twaddle, N. C., and Delclos, K. B. 2010. Lactational transfer of bisphenol A in Sprague-Dawley rats. *Toxicology Letters*. 199(3):372-376.

⁵ Twaddle, N. C., Churchwell, M. I., Vanlandingham, M., and Doerge, D. R. 2010. Quantification of deuterated bisphenol A in serum, tissues, and excreta from adult Sprague-Dawley rats using liquid chromatography with tandem mass spectrometry. *Rapid Communications in Mass Spectrometry*. 24(20):3011-3020.

⁶ Doerge, D. R., Twaddle, N. C., Vanlandingham, M., Brown, R. P., and Fisher, J. W. 2011. Distribution of bisphenol A into tissues of adult, neonatal, and fetal Sprague-Dawley rats. *Toxicology and Applied Pharmacology*. 255(3):261-270.

⁷ Doerge, D. R., Twaddle, N. C., Vanlandingham, M., and Fisher, J. W. 2011. Pharmacokinetics of bisphenol A in neonatal and adult CD-1 mice: Inter-species comparisons with Sprague-Dawley rats and rhesus monkeys. *Toxicology Letters*. 207(3):298-305.

⁸ Fisher, J. W., Twaddle, N. C., Vanlandingham, M., and Doerge, D. R. 2011. Pharmacokinetic modeling: Prediction and evaluation of route dependent dosimetry of bisphenol A in monkeys with extrapolation to humans. *Toxicology and Applied Pharmacology*. 257(1):122-136.

⁹ Ferguson, S. A., Law, C. D., and Abshire, J. S. 2011. Developmental treatment with bisphenol A or ethinyl estradiol causes few alterations on early preweaning measures. *Toxicological Sciences*. 124(1):149-160.