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The Association of Food, Beverage  
and Consumer Products Companies

**March 7, 2012**  
**MEMORANDUM OF OPPOSITION**

**Connecticut Raised Bill No. 5116, AN ACT REQUIRING THE LABELING  
OF FOOD PACKAGING THAT CONTAINS BISPHENOL-A**

On behalf of the Grocery Manufacturers Association (GMA), I would like to take this opportunity to register our opposition to Raised Bill No. 5116, An Act requiring the labeling of food packaging that contains bisphenol-A. The Grocery Manufacturers Association and its member companies support the obvious intent of this legislation, to ensure that consumer products with which the citizens of the State of Connecticut come in contact are safe and free of unnecessary risk to health and wellbeing. However, we believe that this legislation makes an unsubstantiated leap to mandate a labeling requirement for packaging that has not been found by the United States Food and Drug Administration to present any risk to consumers.

Based in Washington, D.C., the Grocery Manufacturers Association is the voice of more than 300 leading food, beverage and consumer product companies that sustain and enhance the quality of life for hundreds of millions of people in the United States and around the globe.

Founded in 1908, GMA is an active, vocal advocate for its member companies and a trusted source of information about the industry and the products consumers rely on and enjoy every day. The association and its member companies are committed to meeting the needs of consumers through product innovation, responsible business practices and effective public policy solutions developed through a genuine partnership with policymakers and other stakeholders.

In keeping with its founding principles, GMA helps its members produce safe products through a strong and ongoing commitment to scientific research, testing and evaluation and to providing consumers with the products, tools and information they need to achieve a healthy diet and an active lifestyle.

The food, beverage and consumer packaged goods industry in the United States generates sales of \$2.1 trillion annually, employs 14 million workers and contributes \$1 trillion in added value to the economy every year.

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GMA's members hold the safety and integrity of the products they make, and the ingredients used to make them, as most important. GMA supports a rigorous, science-based federal regulatory framework and we believe that the federal government best handles the study and evaluation of chemicals for approval for use in food and consumer products and packaging. The products affected by this legislation, whether made in Connecticut or elsewhere, are generally manufactured for use in all 50 states.

Bisphenol-A (BPA) is an ingredient used in many rigid plastics (e.g. bottles, cups) and is used in thin linings for cans in which certain foods and beverages are packaged. Can linings are necessary to protect public health. Without them, interactions between the metal and the can contents over time eventually leads to corrosion and contamination of the food by dissolved metals, and to formation of container defects that allow entry into the product of microorganisms that cause spoilage or illness. The use of protective can linings slows down the rate of these interactions so much that modern canned foods, even high acid foods like fruits and vegetables, can be counted on to retain their nutrition, quality and consumer acceptability for years under a wide range of environmental and handling conditions.

The U.S. Food and Drug Administration (FDA) and food regulators around the world (e.g. European Food Safety Authority [EFSA] in EU, Germany, Japan, UK, Canada, Australia-New Zealand) have repeatedly confirmed the safety of BPA and continue to reaffirm the safety of BPA in light of new studies. California's Developmental and Reproductive Toxicant Identification Committee experts reviewed all the scientific evidence on the safety of BPA and determined that BPA should not be listed as a reproductive or developmental toxicant under Proposition 65.

Ensuring the safety of our products – and maintaining the confidence of consumers – is the single most important goal of our industry. Product safety is the foundation of consumer trust, and our industry devotes enormous resources to ensure that our products are safe.

GMA supports the FDA's advice to consumers that food and beverages in packages using bisphenol A (BPA) as a food safety barrier are safe and that packaging that may contain trace amounts of BPA are safe for use with food. We agree with FDA that there is no need for consumers to change their purchasing or consumption patterns.

Scientists and regulatory agencies who have reviewed BPA have concluded that BPA is safe for use in food packaging. In particular, the European Food Safety Authority, the World Health Organization, the Japanese National Institute of Advanced Industrial Science and Technology and Health Canada have found that BPA is safe for use in consumer products. In January of 2011, FDA affirmed these assessments and once again found that foods in cans with linings that utilize BPA are safe. Currently, the FDA is reviewing BPA as part of a safety assessment. In addition, the National Institutes of Health has devoted \$30 million to study the safety of BPA.

With respect to the labeling provision itself, the U.S. Food and Drug Administration, the agency charged with overseeing the labeling of food products in the United States recognizes two distinct reasons for labeling mandates: "safety" and "wholesomeness."

This legislation seeks to require labels on food products for reasons outside of these guidelines. If the warning labels for non-scientific supposed risk factors become the standard, there will be no end to the kind of warning labels we may see on food and consumer goods packaging. This confusion of warnings can only lead to a reduction in the efficacy of existing labels and a less well-informed public. Again, our industry welcomes FDA and NIH review of BPA. If the FDA or other competent regulatory authorities conclude that BPA poses a risk to our consumers, our industry will move quickly to address these risks. A warning label while research by scientific bodies of the United States government is ongoing is premature.

There may also be a variety of unintended consequences that may arise with passage of 5116. At a time when policy makers at the local, state and federal levels of government together with industry are working to encourage increased use of recycled content in packaging, this legislation could bring the recycled packaging industry to a halt. With the ubiquitous nature of BPA in paper, plastic and metal packaging, any food product manufacturer seeking to avoid the BPA label would be forced to forego the use of recycled materials, instead using only virgin materials for the manufacture of their packaging. Given the fact that consumer goods and food products are manufactured throughout the United States for ultimate retail sale in all fifty states, this legislation would have the effect of putting a warning label on all packaging derived from recycled material until a reliable, stable market in BPA-free recycled materials can be developed. Even then, this new supply must be kept segregated from all recycled packaging materials already in commerce.

Raised Bill No. 5116 does not consider the true cost of such an undertaking and ignores the full implication of this kind of labeling. GMA is on principal a scientific organization and our members are dedicated to following the science in an effort to deliver the safest, most nutritious food possible to the consumer. This legislation, while clearly well meaning, does not advance food safety or nutrition, and considers too little in the way of science to be considered good public policy.

Thank you for considering our testimony, for the above stated reasons we urge you to vote no on Raised Bill No. 5116. I look forward to working with you and the members of the committee in the coming days and weeks to continue to address the issue of BPA in food packaging. Thank you again and if I can answer any questions, I may be reached at any time at [gcosta@gmaonline.org](mailto:gcosta@gmaonline.org) and at 703-967-7175.