

Gregory J. Costa  
Director, State Affairs  
[gcosta@gmaonline.org](mailto:gcosta@gmaonline.org)  
703-967-7175



**February 25, 2013**  
**MEMORANDUM OF OPPOSITION**

**PROPOSED S.B. NO. 16, AN ACT REQUIRING THE LABELING OF  
FOOD AND DRINK PRODUCTS THAT ARE PACKAGED IN  
MATERIALS THAT CONTAIN BISPHENOL-A**

On behalf of the Grocery Manufacturers Association (GMA), I would like to take this opportunity to register our opposition to Senate Bill No. 16, An Act requiring the labeling of food and drink products that are packaged in materials that contain 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.

**GROCERY MANUFACTURERS ASSOCIATION**

1350 I Street, NW :: Suite 300 :: Washington, DC 20005 :: ph 202-639-5900 :: fx 202-639-5932 ::

[www.gmaonline.org](http://www.gmaonline.org)

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, and Australia-New Zealand) have repeatedly confirmed the safety of BPA and continue to reaffirm the safety of BPA in light of new studies.

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 as a food safety barrier are safe and that packaging which may contain trace amounts of BPA are safe for use with food. We agree with the FDA's conclusion 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.

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. 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. 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, mandated by an individual state while research by scientific bodies of the United States government is ongoing, is premature.

There are also a variety of unintended consequences that may arise with passage of SB 16. 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 of "BPA-free" recycled materials would have to be kept segregated from all recycled packaging materials already in commerce. S.B. 16 does not consider the true cost of such an undertaking and ignores the full implication of this kind of labeling.

Contrary to what some claim, there is no across-the-board replacement for BPA in can linings. Each food product formulation has its own set of demands and acidic foods and thermal processing present particular challenges. Once a candidate BPA replacement is identified, its performance must be ascertained over the entire shelf life of the food product, and its safety, regulatory approval, and compliance with other applicable regulations must be assured before it can be commercially used. Retooling of can manufacturing and food processing equipment may be necessary. This would take several years.

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, is poor public policy because the science does not support it and it does not advance food safety or nutrition for consumers.

Thank you for considering our testimony, for the above stated reasons we urge you to vote no on S.B. 16. 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.