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Testimony on Senate Bill 16
before the
Joint Committee on Environment
of the
Connecticut General Assembly

February 25, 2013

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Chairman Meyer, Chairwoman Gentile and members of the Joint Committee on Environment, the International Bottled Water Association (IBWA)¹ appreciates this opportunity to provide comments in opposition to Senate Bill 16 introduced by Senator Beth Bye that would require labeling of food packaging containing Bisphenol A (BPA).

Polycarbonate plastic has been the material of choice for food and beverage product containers for nearly 50 years because it is lightweight, highly shatter-resistant and transparent. During that time, many international studies have been conducted to assess the potential for trace levels of BPA to migrate from lined cans or polycarbonate bottles into foods and beverages. The conclusions from those studies and comprehensive safety evaluations by government bodies worldwide are that polycarbonate bottles are a safe method of food packaging for consumer use.

Based partially on that information, the Connecticut General Assembly has twice specifically addressed the safety of large, refillable water cooler containers made from BPA—once during floor debate on the state's original BPA law enacted in 2009, and then again in 2011 when that law was amended to specifically address any bottle that is part of a water cooler system. In both instances, lawmakers agreed that these unique containers are safe for consumers. In addition to Connecticut, the state of Vermont's restrictions on the use of BPA in reusable food and beverage containers specifically recognize and exempt bottled water containers from their restrictions because they are deemed to be safe for consumers. We encourage the Committee to take these facts under consideration when discussing the impact of SB 16.

IBWA fully supports strong protections from hazardous chemicals for Connecticut's residents, and we believe that a comprehensive chemical management approach should be based on sound science and include both risk and hazard, while also taking into consideration actual exposure to a specific chemical. We do not believe that the BPA restrictions outlined in SB 16 meet this test.

¹ The International Bottled Water Association is the trade association representing all segments of the bottled water industry, including spring, artesian, mineral, sparkling, well, groundwater and purified bottled waters. IBWA's mission is to serve the members and the public, by championing bottled water as an important choice for healthy hydration and lifestyle, and promoting an environmentally responsible and sustainable industry. IBWA represents bottled water bottlers, distributors and suppliers throughout the United States, including several small, medium and large size companies doing business in Connecticut.

IBWA members have thousands of home and office delivery (HOD) accounts throughout Connecticut. Some of these commercial and residential contracts provide customers with bottled water in larger reusable polycarbonate water bottles. IBWA therefore opposes any legislation that would impose restrictions, labeling requirements, or prohibitions on containers made with BPA. Not only has the Connecticut General Assembly's actions indicated that such restrictions are not necessary, but the U.S. Food and Drug Administration (FDA) has more broadly opined on the safety and use of BPA in food contact materials.

On January 15, 2010, FDA issued a statement confirming the overall safety of BPA used in food containers, and the FDA did not take any formal action to prohibit the use of BPA in any food products. In fact, FDA cautioned against making any changes in food packaging or consumption by either industry or consumers that could jeopardize food safety or reduce intake of food needed for good nutrition. Most recently, On March 30, 2012, the FDA announced it was rejecting a citizen petition from the Natural Resources Defense Council (NRDC) that would have banned BPA from all food and drink packaging, including plastic bottles and canned food. In its letter to the NRDC, FDA stated the following:

“FDA has carefully reviewed your citizen petition and has determined that it failed to provide sufficient data and information to persuade FDA to initiate rulemaking under 21 U.S.C. § 348(d) and (i) and 21 CFR 171.130 to revoke regulations permitting the use of BPA in food contact materials. Because such uses remain authorized by FDA's regulations, FDA also denies your request to list BPA as a substance prohibited from use in human food under 21 CFR Part 189.”

FDA is continuing to conduct in-depth studies to determine whether BPA poses any health risks to consumers, and IBWA and the bottled water industry fully support further scientific scrutiny of BPA. IBWA believes that any health and safety issues regarding food and food packaging should be legislated at the national level.

The bottled water industry holds a strong place in Connecticut's economic portfolio. Companies in Connecticut that manufacture, distribute and sell bottled water products employ as many as 1,428 people in the state and generate an additional 2,657 in supplier and ancillary industries. These are good jobs, paying an average of \$81,955 in wages and benefits. The industry also contributes to the state's economy as a whole. In 2011, the bottled water industry was responsible for as much as \$1.1 billion in total economic activity in Connecticut. Furthermore, the bottled water industry generates sizable tax revenues in the state, with the industry and its employees paying more than \$57 million in annual property, income and sales taxes.

IBWA reminds the Committee that the bottled water industry is always at the forefront of relief efforts during natural disasters and other catastrophic events, coming to the aid of those in distress when such incidents prevent municipal water systems from providing clean, safe drinking water. We are often the first responders to these events, acting as a backup for compromised public water systems. And no city is prone to the occasional boil alert, for which the bottled water industry often provides relief. For bottled water to be available in emergency situations there must also be a viable commercial marketplace that supports its production. Reducing the commercial viability of bottled water may seriously threaten its availability during emergency situations, and laws and actions which negatively target bottled water are an ironic disservice to and poor public policy for an industry that is regularly called upon to provide crucial drinking water throughout Connecticut and the U.S.

We ask this Committee to soundly reject SB 16. To restate, we fully support strong protections from hazardous chemicals for Connecticut's residents, and we believe that a comprehensive chemical management approach should be based on sound science and include both risk and hazard, while also taking into consideration actual exposure to a specific chemical. We do not believe that the BPA restrictions outlined in SB 16 meet this test.

Thank you for your consideration of our opposition to SB 16, and please do not hesitate to contact IBWA with any related concerns or questions.