



1700 Diagonal Road, Suite 650  
Alexandria, VA 22314  
Ph: 703-647-4616  
Fax 703-683-4074  
Web: [www.bottledwater.org](http://www.bottledwater.org)

Testimony on Senate Bill 316  
before the  
Joint Committee on Environment  
of the  
Connecticut General Assembly

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James P. Toner, Jr.  
Director of Government Relations  
International Bottled Water Association

Chairman Meyer, Chairwoman Gentile and members of the Joint Committee on Environment, the International Bottled Water Association (IBWA)<sup>1</sup> appreciates this opportunity to provide comments in opposition to Senate Bill 316, which would require labeling of food packaging containing Bisphenol A (BPA). Not only have the Connecticut General Assembly's previous actions indicated that such a requirement is unnecessary, but the U.S. Food and Drug Administration (FDA) has stated its opinion that BPA is safe for use in food contact materials.

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.

On June 4, 2013, the FDA clearly confirmed the safety of BPA in a question-and-answer post on its website. Responding to the question, "Is BPA safe," FDA's position is clear:

***"Yes. Based on FDA's ongoing safety review of scientific evidence, the available information continues to support the safety of BPA for the currently approved uses in food containers and packaging."***

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<sup>1</sup> 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.

Additionally, on March 30, 2013, the FDA issued an update to a position they had issued in January 2010 regarding the agency's position on the use and safety of BPA in food contact materials. In the update, FDA stated that their "current assessment is that BPA is safe at the very low levels that occur in some foods. This assessment is based on review by FDA scientists of hundreds of studies including the latest findings from new studies initiated by the agency."

Most recently, a February 2014 study, conducted by FDA researchers and published in the journal *Toxicological Sciences*, suggests that rats exposed to BPA at low doses while in the womb (BPA fed to pregnant rats) and after birth (BPA fed to rat pups) demonstrate no adverse health effects. In the study, researchers examined the influence of BPA on rat pups' body weight, sexual organ development, mammary gland function, glucose and insulin levels, reproductive hormone production, organ weights, and cell counts. This study also aimed to address the noted shortfalls of previous low-dose animal studies (e.g., small number of animals, clear dose-response relationships, and litter effects).

FDA has not taken any formal action to prohibit the use of BPA in any food products. In fact, FDA has previously 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.

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, 3-to-5 gallon, reusable polycarbonate water bottles. IBWA therefore opposes any legislation that would impose restrictions, labeling requirements, or prohibitions on containers made with BPA.

When addressing the issue of labeling of food products, IBWA supports a uniform comprehensive system of labeling standards at the national level that fully protects the public health and allows consumers easy access to clear and accurate information regarding all food packaging including bottled water. A patchwork of state and local requirements impedes interstate commerce and results in consumer confusion. If states create a patchwork quilt of differing labeling laws, marketing of food products across state boundaries will become practically impossible and/or expensive. A uniform national standard allows manufacturers to produce and apply the same label without regard to which state the product may be sent.

The Connecticut General Assembly has previously heard arguments against banning the sale of large, 3-to-5 gallon, 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 316.

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 1,610 people in the state and generate an additional 4,090 jobs in supplier and ancillary industries. These are good jobs, paying an average of \$86,013 in wages and benefits. The industry also contributes to the state's

economy as a whole. In 2012, the bottled water industry was responsible for as much as \$1.44 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 \$69.20 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 that 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 reject SB 316. 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 proposed BPA labeling requirements outlined in SB 316 meet this test.

Thank you for your consideration of our opposition to SB 316, and please do not hesitate to contact IBWA with any related concerns or questions.