Comments on Proposed SB 316

AN ACT REQUIRING THE LABELING OF FOOD PRODUCTS THAT ARE PACKAGED IN MATERIALS THAT CONTAIN BISPHENOL-A

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Thank you for the opportunity to speak today. I am Dr. Lorenz Rhomberg, a toxicologist at Gradient, an environmental consulting firm. In addition to my work at Gradient, I am a Fellow of the Academy of Toxicological Sciences and have recently served on panels sponsored by a variety of organizations, including the National Academy of Sciences and the International Life Sciences Institute. I am here representing the Can Manufacturers Institute.

SB 316's statement of purpose is "[t]o provide information to consumers that will allow consumers to avoid the purchase and consumption of products that contain harmful toxins." BPA in food packaging is not a harmful toxicant, so this bill will not achieve its intended purpose and may mislead consumers.

While you may hear stories about a wide range of studies that show exposure to BPA causes harm, these studies almost invariably suffer from one of several flaws that render them irrelevant to the assessment of risks from consumer exposure to BPA. As a scientist, evaluating each and every study for these sorts of flaws is critical to understanding the entire weight-of-evidence for a chemical's toxicity. For example, many of the BPA studies that supposedly show harmful effects from exposure either (a) involve exposures that are hundreds to thousands times higher than consumer exposures; (b) involve exposure routes that are not relevant to consumer exposure such as injection or implants; or (c) evaluate effects that are impossible to extrapolate to humans.

As was discussed during hearings last year, leading regulatory bodies around the world, including the US EPA, the US FDA, Health Canada, and the European Food Safety Authority (see Table 1), have evaluated all of these studies and are supportive of my assessment. As recently as last summer, US FDA responded to the question of "Is BPA safe?" with one word: "Yes." A review of the science published as recently as January by the European Food Safety Agency came to a similar conclusion that BPA posed no risk to the population. Recent well-conducted studies published in the peer-reviewed literature continue to support that the results observed in some animals studies are not a concern for humans. Just recently, results were published from a large study conducted by FDA's National Center for Toxicological Research – a study that looked thoroughly at high and low doses given to rats from gestation through 3 months of age – and no adverse effects were found until doses over 100,000 times human exposure levels were reached. Effects claimed in other studies to occur at low doses were not repeated.

To provide some perspective on current exposures and how they compare to health effect levels in animals, I evaluated how many servings of several different canned foods a child or adult would have to eat to exceed these levels (Table 2). A child would have to consume 214,286 servings of tuna, and an adult would have to consume 1,000,000 servings of tuna, every day to exceed the safe level in animals. Even in canned foods with higher levels of BPA, like some chicken soups, a child would have to consume 527 servings every single day to exceed this safe level. Clearly, this is beyond the realm of possibility.

Labeling food packaging will not give consumers any information regarding harmful toxicants, and may have the unintended consequences of leading them to make unhealthy food choices. The weight of scientific evidence does not support SB 316.

Table 1 Regulatory Agencies that Conclude No Risk from BPA Exposure

Regulatory Agency	Year
Food Standards Australia New Zealand	2012
United States Food and Drug Administration	2013, 2012
Japanese Research Institute of Science for Safety and Sustainability (RISS)	2011
European Food Safety Authority	2014, 2011, 2008, 2006
Health Canada	2012, 2010, 2009, 2008
World Health Organization (WHO)/Food and Agriculture Organization of the United Nations (FAO) BPA Review	2010
California Developmental and Reproductive Toxicant Identification Committee	2009
German Federal Institute for Risk Assessment (BfR)	2008

Table 2 Cans In Perspective: Daily Servings Needed to Exceed Safe Level in Animals (5 mg/kg-day)

Product	Adults (70kg)	Children (15 kg)
Healthy Choice Old Fashioned Chicken Noodle Soup	2,461	527
Great Value Sweet Peas	8,503	1,822
Goya Coconut Milk	76,419	16,376
Muir Glen Organic Fire Roasted Diced Tomatoes	448,718	96,154
Star-Kist Tuna	1,000,000	214,286
Diet Coke	1,400,000	300,000

National Workgroup for Safe Markets. May 2010. "No Silver Lining: An Investigation into Bisphenol A in Canned Foods."