



February 16, 2009

The Honorable Ryan I. Yamane
Chair, House Committee on Health
415 South Beretania Street
Honolulu, HI

RE: House Bill 1633 (Mizuno) - Oppose

Dear Representative Yamane:

On behalf of the Grocery Manufacturers Association (GMA)¹, I am writing to respectfully register our opposition to House Bill 1633 (Mizuno), which would ban the use of bisphenol A (BPA) in childcare articles.

BPA has been used in combination with other substances in the production of certain plastics and resins for more than 40 years. Some examples are polycarbonate, a clear, rigid, light-weight plastic used for beverage bottles, and protective epoxy coatings that line the inside of food and drink cans and the tops of jar lids. These protective coatings help maintain the safety and quality of canned foods and beverages by preventing the contents from reacting with the metal that forms the can.

The U.S. Food & Drug Administration (FDA), the European Food Safety Authority (EFSA) and the World Health Organization (WHO) have all evaluated and approved the safety of BPA. BPA is approved by FDA for use in food contact applications, and for more than 40 years it has played an essential part in food preservation. In addition to the WHO and the EFSA, several other prominent international bodies have also agreed with FDA regarding the safety of BPA. These include the Health and Consumer Protection Directorate of the European Commission; the European Chemical Bureau of the European Union; the European Scientific Panel on Food Additives, Flavorings, Processing Aids, and Materials in Contact with Food; and the Japanese National Institute of Advanced Industrial Science and Technology. GMA is confident that the risk-analysis approach utilized by national and international regulatory agencies around the world to evaluate the risk associated with BPA exposure is scientifically sound and appropriate.

Extensive studies have also looked at the potential for BPA to migrate from can coatings and food containers into various kinds of foods under various conditions. After careful review of available data, and using conservative estimates of dietary exposures based on migration into food under

¹ The Grocery Manufacturers Association (GMA) represents the world's leading food, beverage and consumer products companies. The association promotes sound public policy, champions initiatives that increase productivity and growth and helps to protect the safety and security of the food supply through scientific excellence. The GMA board of directors is comprised chief executive officers from the Association's member companies. The \$2.1 trillion food, beverage and consumer packaged goods industry employs 14 million workers, and contributes over \$1 trillion in added value to the nation's economy.

GROCERY MANUFACTURERS ASSOCIATION

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

intentionally exaggerated test conditions, experts have concluded that human exposure to these substances from food packaging is minimal and poses no risk.

In February of 2007, the European Food Safety Authority completed its review of new studies published since 2002 and finalized a Tolerable Daily Intake (TDI), or safe daily exposure level, for BPA. The new data included a reproduction study in mice that followed offspring for 2 generations. The EFSA TDI is 0.05 mg/kg bodyweight/day. EFSA found that exposure to BPA in the diet is well below the TDI. This is true for all population groups including infants and children, who have the highest potential dietary exposure relative to body weight of any population group. EFSA found that a 3-month old baby weighing 6 kg (13.2 lb) would have to consume more than 4 times the normal number of bottles of formula per day to reach the TDI.

Additionally, in July and October of 2008, the EFSA's panel that examines food contact substances concluded, in response to two requests to re-examine BPA's safety and to a recent report in the Journal of the American Medical Association, that there is no need to reestablish new TDI levels. EFSA concluded a causal link between the diseases addressed in the JAMA report and low exposures of adults to BPA cannot be established. EFSA reported that there are significant metabolic differences between humans and rodents, and the fact that people metabolize and excrete BPA far more quickly than rodents reduces the relevance of low-dose studies when considering human TDI for BPA. The EFSA also looked at the U.S. National Toxicology Program's draft brief on BPA and Canada's action on BPA when making their conclusions. Highlighting the scientific inconsistencies with Canada's recent decision on BPA, EFSA's former AFC panel (the panel on additives, flavorings, processing aids and materials in contact with food) reported, "The Canadian risk assessment takes a precautionary approach for these sensitive life stages, taking into account the findings in the low-dose studies, although commenting that these are limited in rigor, consistency and biological plausibility."

The U.S. Centers for Disease Control and Prevention (CDC) recently published biomonitoring data from a large-scale study that represents the entire U.S. population aged 2 months and older. The data show that typical human daily intake of BPA is one million times less than the levels that showed no adverse effects in multi-generation animal studies, and one thousand times less than the very conservative regulatory limits set by the U.S. and European governments.

Based on the entire body of scientific evidence, and the findings of numerous health authorities and researchers, consumers can continue to safely enjoy foods and beverages in the many forms of packaging provided, including those that contain BPA, without changing their purchasing or eating patterns.

For these reasons, GMA strongly opposes House Bill 1633 that proposes to ban BPA in certain products intended for children. Should you have any questions, please do not hesitate to contact me at (916) 447-9425 or at csilveira@gmaonline.org.

Sincerely,

Caroline Silveira
Director, State Affairs
Grocery Manufacturers Association



Representative Ryan Yamane, Chair
Representative Scott Nishimoto, Vice Chair
Committee on Health

HEARING Tuesday, February 17, 2009
 8:30 am
 Conference Room 329
 State Capitol, Honolulu, Hawaii 96813

RE: **HB1633, Relating to Toxic Products**

Chair Yamane, Vice Chair Nishimoto, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

As responsible citizens, we share your concern for our the health and well-being of our children. However, **RMH must oppose HB1633**, which prohibits the manufacture, sale, or distribution of products for young children that contain bisphenol-A or phthalates and requires manufacturers to choose safe alternatives.

The Consumer Product Safety Improvement Act of 2008, in Section 108, comprehensively addresses the prohibition of phthalates in consumer products. While there still are issues to be resolved, we believe that federal regulation would create uniform guidelines that will make compliance by manufacturers and retailers more manageable and ultimately reduce confusion for consumers.

We respectfully ask that you hold HB1633. Thank you for your consideration and for the opportunity to comment on this measure.

Carol Pregill, President

RETAIL MERCHANTS OF HAWAII
1240 Ala Moana Boulevard, Suite 215
Honolulu, HI 96814
ph: 808-592-4200 / fax: 808-592-4202
web site: retailmerchantsopenhawaii@RMHawaii.org