



February 18, 2013

To: The Honorable Angus L.K. McKelvey, Chair
Members, Hawaii House Committee on Consumer Protection and Commerce

From: Tim Shestek, Senior Director
State Affairs

Re: **HB 396 HD 1 – OPPOSE**

The American Chemistry Council (ACC) must respectfully oppose **HB 396 HD 1**, legislation that proposes to restrict certain chemical ingredients – specifically Bisphenol-A (BPA) - that may be used in child care articles.

In short, ACC believes the legislation runs contrary to the consensus of the scientific community and international regulatory agencies that have concluded BPA is safe as used and if enacted, would create unnecessary marketplace confusion given recent actions taken by the US Food and Drug Administration (US FDA).

BISPHENOL-A (BPA)

HB 396 HD 1 proposes to restrict the use of BPA in child care articles, specifically empty food or drink containers “designed and intended by the manufacturer to be filled with food or liquid and to be used by a child.” In July 2012, the US FDA amended the federal food additive regulations to no longer allow for the use of BPA containing polycarbonate plastic in products such as infant feeding bottles (baby bottles) and spill-proof cups, including their closures and lids. This action was taken because manufacturers are no longer using BPA containing materials to make these products.

The abandonment of these products by manufacturers however should not be interpreted to be an indication that BPA containing products are somehow harmful to human health. The scientific evidence supporting the safety of BPA has been comprehensively and recently examined by many government and scientific bodies worldwide. The weight of evidence consistently supports the safety of BPA containing products. Please consider the following:

Health Canada

In September 2012, Health Canada released an updated assessment of BPA. Experts concluded that “current dietary exposure to BPA through food packaging uses is not expected to pose a health risk to the general population, including newborns and young children.”

U.S. Food and Drug Administration (FDA)

In a March 2012 update, FDA stated that it has found “no convincing evidence” to support the belief that bisphenol A (BPA) is a hazard to people. As noted by FDA: “We make public health decisions based on a careful review of well performed studies, not based on claims or beliefs.” Based on its objective review, FDA’s assessment is that “the scientific evidence at this time does not suggest that the very low levels of human exposure to BPA through the diet are unsafe.” To address remaining uncertainties about the safety of BPA, FDA is carrying out in depth studies with the National Toxicology Program. The studies published to date provide additional strong support for the safety of BPA in food-contact materials



Food Standards Australia New Zealand (FSANZ)

In April 2012, FSANZ, an independent statutory agency responsible for setting food standards in the two countries, reaffirmed the safety of BPA and stated: “The weight of scientific evidence indicates that exposure to BPA in food does not present a significant human health and safety issue at current exposure levels.”

European Food Safety Authority (EFSA)

In December 2011, EFSA updated their comprehensive scientific assessment of BPA that had been conducted by a panel of independent scientific experts from throughout the European Union. The update reaffirmed the panel’s previous conclusion (September 2010) that they “could not identify any new evidence which would lead them to revise the current Tolerable Daily Intake,” which is a safe intake level.

World Health Organization (WHO) and Food and Agriculture Organization of the United Nations (FAO)

In September 2011, an international panel of experts organized by WHO and FAO released a report on their review of all the latest scientific evidence on BPA and concluded that “initiation of public health measures would be premature.” The experts also concluded that BPA does not accumulate in the body, is rapidly eliminated in urine, and that it is difficult to interpret the relevance of studies claiming adverse health effects from BPA.

Japanese National Institute of Advanced Industrial Science and Technology (AIST)

In July 2011, AIST concluded that “the risk of BPA with regard to human health was believed to be very small.” This conclusion is consistent with AIST’s previous 2005 BPA risk assessment. Of note, in its 2011 assessment, the data uncertainty factor was reduced to 25 as compared to 100 in the previous assessment, indicating higher confidence in the scientific data supporting the 2011 conclusion.

Advisory Committee of the German Society for Toxicology

In its April 2011 review published in *Critical Reviews in Toxicology*, the Advisory Committee concluded, that “BPA exposure represents no noteworthy risk to the health of the human population, including newborns and babies.” After reviewing all available evidence and controversial arguments, the Committee concluded that the “current Tolerable Daily Intake (TDI) level for BPA is adequately justified.” In its specific evaluation of studies reporting that low doses of BPA cause adverse health effects in laboratory animals, the Committee found that these studies “failed to meet minimal quality criteria for experimental design and statistical analysis” and that their results were inconsistent with more robust studies on similar endpoints

For the above listed reasons, ACC urges you to oppose HB 396 HD 1. Thank you in advance for considering our views. If you have any questions or comments, please do not hesitate to contact me or ACC’s Hawai’i based representatives Red Morris and/or John Radcliffe at 808-531-4551.



kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 16, 2013 7:53 AM
To: CPCtestimony
Cc: tabraham08@gmail.com
Subject: *Submitted testimony for HB396 on Feb 20, 2013 15:00PM*

HB396

Submitted on: 2/16/2013

Testimony for CPC on Feb 20, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Troy Abraham	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 18, 2013 7:10 PM
To: CPCtestimony
Cc: kananisouza@yahoo.com
Subject: Submitted testimony for HB396 on Feb 20, 2013 15:00PM

HB396

Submitted on: 2/18/2013

Testimony for CPC on Feb 20, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Kanani Souza	Individual	Support	No

Comments: To the honorable Chair Angus McKelvey and Vice Chair Derek Kawakami and committee members. I submit this testimony in strong support to prohibit the use of food and drink containers intended for use by children under 3 years of age, which contain bisphenol A and to require the manufacturers to use the least toxic alternatives to bisphenol A. Although the federal government already bans the use of bisphenol A in feeding bottles, because of the health risks, this measure is needed, because manufacturers still use bisphenol A in products such as baby formula containers. Moreover, the toy industrial still supports the use of bisphenol A in thier products, because this is a costs effective means to sell their toys even if laced with bisphenol A. Thus I respectfully ask the committee to pass this measure as it is in the best interest for Hawaii children.

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kawakami2 - Rise

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 18, 2013 7:36 PM
To: CPCtestimony
Cc: angelgard@msn.com
Subject: Submitted testimony for HB396 on Feb 20, 2013 15:00PM

HB396

Submitted on: 2/18/2013

Testimony for CPC on Feb 20, 2013 15:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Angela Garffle	Individual	Support	No

Comments: Do what's best for our children. Pass this bill!

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