

Bisphenol A: A Hot Topic

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Healthy Legacy
Institute for Agriculture and
Trade Policy

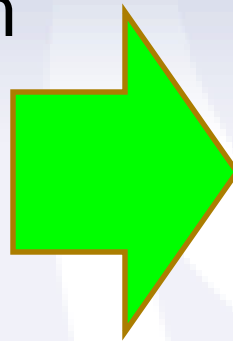
www.HealthObservatory.org



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Policy motivators

- Certain, widespread exposure
- Increasingly likely harm
- Vulnerable fetuses, children
- Available alternatives



Possible goals

- Capture cutting-edge science
- Reduce exposure
- Incentivize alternatives
- Change the onus of proving safety



Policy leaders

Canada's regulatory policy

18 April 2008.
[Health Canada](#)
announces BPA
will be deemed a
"dangerous substance,"
making Canada the first
country to ban the
chemical from baby
products.

October 2008



The screenshot shows the Health Canada website interface. At the top, there is a navigation bar with the Canadian flag, "Health Canada" and "Santé Canada" logos, and the "Canada" logo. Below this is a banner image of a diverse group of people with a red maple leaf and the text "Health Canada www.hc-sc.gc.ca". A navigation menu includes "Français", "Home", "Contact Us", "Help", and "Search". The main content area displays a news release titled "Government of Canada Protects Families With Bisphenol A Regulations". The release is dated October 17, 2008, and is for immediate release. The text of the release states: "OTTAWA - The Government of Canada today announced it will immediately proceed with drafting regulations to prohibit the importation, sale and advertising of polycarbonate baby bottles that contain bisphenol A (BPA). The Government will also take action to limit the amount of bisphenol A that is being released into the environment." A quote from the Honourable Tony Clement, Minister of Health, follows: "In 2007, we issued a challenge to industry under our Chemicals Management Plan to provide information on how they manage bisphenol A," said the Honourable Tony Clement, Minister of Health. "Today's announcement is a milestone for our government and for Canada as the first country in the world to take regulatory action."



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www.hc-sc.gc.ca/ahc-asc/media/nr-cp/_2008/2008_167-eng.php

Policy leaders

Retailers and baby bottle makers

washingtonpost.com

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Speeding Up Safety

With the government slow to act and consumers quick to mobilize, companies have learned to take swift action on potentially dangerous products.

By Annsy Shin
Washington Post Staff Writer
Saturday, May 3, 2008; D01

After a government panel said there was "some concern" that the chemical bisphenol A could be harmful to infants and small children, it took less than a week for Wal-Mart and Toys R Us to announce that they would stop selling baby bottles that were made with it.

The swift response stood in stark contrast to the drawn-out reaction to concerns about another



News from

Office of the Attorney General
55 Elm Street
Hartford, Connecticut 06106

Attorney General

Richard Blumenthal

For
Immediate
Release

THURSDAY, MARCH 5, 2009

ATTORNEY GENERAL ANNOUNCES BABY BOTTLE MAKERS AGREE TO STOP USING BPA; CALLS FOR LEGISLATIVE BAN

Attorney General Richard Blumenthal today announced that the nation's six major baby bottle companies have agreed to stop using the toxic chemical Bisphenol-A (BPA) in baby bottles -- a significant public health step that he asked them to take.

Last October, Blumenthal, joined by attorneys general of Delaware and New Jersey, wrote to the baby bottle companies urging them to stop using BPA because studies have linked the chemical to health problems in infants, including damage to reproductive, neurological and immune systems.

Blumenthal said, "All six major baby bottle companies -- Avent, Disney First Years, Gerber, Dr. Brown, Playtex and Evenflow -- have agreed to voluntarily ban BPA from bottles in a major public health victory."

Blumenthal said the continued threat of BPA in other products, particularly those used by infants and children, warrants immediate legislative action to completely ban BPA from certain children's products.

"This prompt positive response sends a profoundly significant message that baby bottle manufacturers respect the science showing BPA health dangers - and will do the right thing," Blumenthal said. "Hopefully other industries will heed our plea, and a broader legislative ban will be approved this session.

"Voluntary BPA bans from baby bottles are good, but not good enough -- and must lead to complete prohibition. BPA in baby products can perilously leach into liquid, threatening pernicious and lasting health damage to infants.

"There is no excuse for this avoidable and unconscionable threat to continue. I am pleased that all baby bottle makers that I contacted have agreed to abandon BPA in baby bottles, but we must do more to protect our children. I am calling for a complete ban against BPA in baby products to stop this needless and negligent public health threat.

"Growing scientific evidence shows that even small amounts of BPA damages reproductive, neurological and immune systems. Experiments have



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Contrast

Corporate policy leadership

[Blurred text]

[Blurred text]

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The FDA response, 2009 update

FDA's science policy

- March 2009: An international consortium of 58 leading industry, academic and government scientists rejects “as incomplete and unreliable the U.S. Food and Drug Administration's case that a chemical found in food containers and other household products is safe.”
Meg Kissinger and Susanne Rust, Scientists reject FDA assertion of BPA's safety, Milwaukee Journal Sentinel, 11 April 2009.
 - In previous 7 months, Tyl offers 3 different accounts of the ages of the animals used to study BPA's effects on prostate size.
 - Tyl failed to disclose an August 2001 laboratory fire burning 18 polycarbonate cages, potentially contaminating future results.
- European Food Safety Authority's assessment of BPA, reliant on the same 2 studies, also called into question.



U.S. regulation

FDA's science policy

- August '08. FDA declares BPA to be "safe" (reasonably certain of no harm) citing 2 studies released in 2001, 2008, authored by Rochele Tyl of RTI Inc, a contract laboratory, paid by regulated industry.
- 15 October 2008. COI questions raised after discovery that BPA proponent gifted \$5m to FDA sub-committee chair's Univ Mich. Science Center. about FDA Board subcommittee chair's A congressional committee launches an investigation of possible conflicts of interest after the Journal Sentinel reveals a \$5 million donation to the subcommittee chairman's Center



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September '08. NIEHS NTP Program expresses "some concern" BPA alters

The Washington Post

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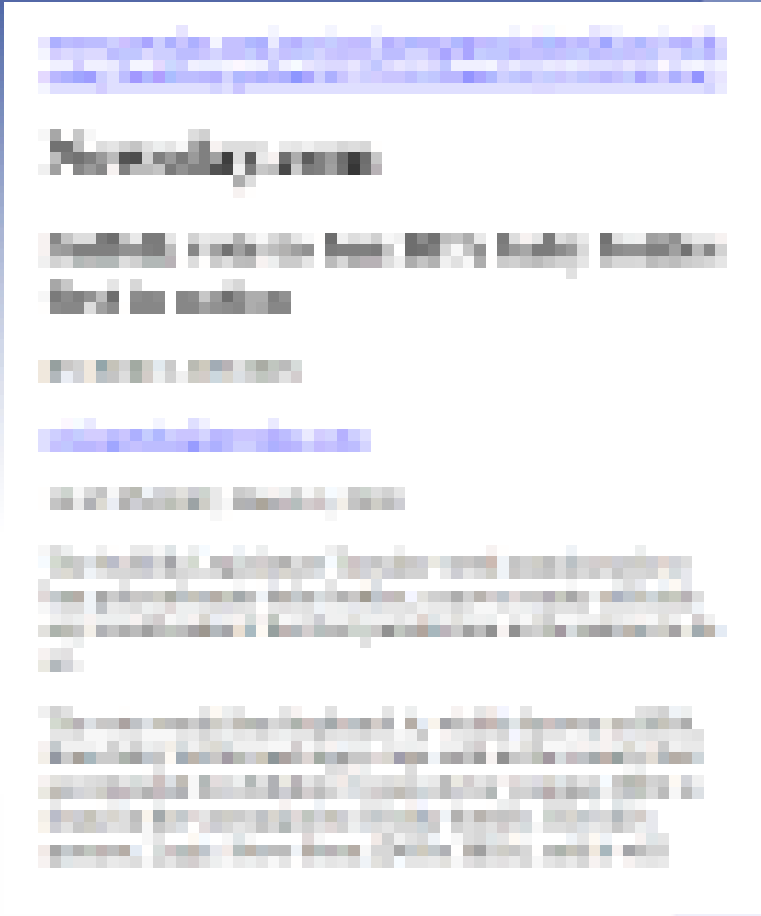
FDA Panel Accepts Findings On BPA

By Annys Shin
Washington Post Staff Writer
Saturday, November 1, 2008; D01

The Food and Drug Administration made mistakes when determining that a widely used chemical found in baby bottles and other plastics was harmless and the agency should redo its risk assessment, an FDA advisory panel ruled yesterday.

But the report's authors told the Science Board advisory panel that they could not say whether BPA was harmful or whether it should be banned in food and beverage containers. They left that

Municipal leadership Suffolk County, NY



- **Chicago City Council approves BPA baby bottle ban, AP, May 13, 2009.**

www.chicagotribune.com/news/chi-ap-il-babybottles-bpa-c,0,6037521.story



State leadership

Minnesota

- Banned bisphenol A (BPA) from baby bottles and “sippy” cups.
- Though not from infant formula cans, credit card receipts, tuna fish cans, mixed fruit cocktail cans, etc.
- ““We expect that Minnesota’s decision to ban BPA will have a major impact on the legislative debate in Washington, DC... The next step is to secure a federal ban so people everywhere are protected from BPA in food and beverage containers,” Lindsay Dahl, Healthy Legacy
- MN also passed “The Toxic Free Kids Act”, first step to creating a new way to do chemical policy.



FOR IMMEDIATE RELEASE

May 8, 2009

For more information contact Lindsay Dahl at
507-301-9679 (c), 612-870-3458 (w) or ldahl@iatp.org

**Minnesota is First State to Restrict Use of Bisphenol A in
Baby Bottles and Sippy Cups**

***Governor Pawlenty Signs Two Landmark Pieces of
Legislation***

St. Paul - Minnesota became the first state in the nation to ban the toxic chemical bisphenol A (BPA) from baby bottles and “sippy” cups when Governor Tim Pawlenty (R) signed the legislation into law. The BPA ban passed with significant bipartisan support; only 13 of 179 votes were cast in opposition to the ban. Pawlenty also signed the Toxic Free Kids Act, which takes a first step to create a system in Minnesota to address problem of toxics in children's products.

“Passing Minnesota’s BPA ban sends a clear message that we no longer have to accept unnecessary exposures to toxic chemicals in baby bottles. Despite the massive lobbying efforts of the chemical industry, the value of protecting children from harm has prevailed,” said Lindsay Dahl of the Healthy Legacy coalition, which advocated for the ban. “The overwhelming work from our coalition partners and statewide grassroots pressure made this all possible.”



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Other state leadership

More than 20 states

Connecticut, HB 6572 (Passed, awaiting Senate vote)

- Would phase BPA out of reusable food containers (including baby bottles, spill-proof cups, and storage containers) , and infant formula containers;
- Would require labeling on food cans so pregnant women, others can make informed decisions to limit exposures

New York,

Passed 115 – 11, awaiting Senate vote

California

- Would limit BPA in baby bottles, sippy cups, formula and baby food containers to 0.1 ppb concentration
- Considering addition of BPA to Prop 65 list

Other: HI, IL, MD, MA, MI, MS, MO, MT, NJ, NM, OR, PA, RI, TX, WA, WI



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Federal bans

The Ban Poisonous Additives Act of 2009, **S. 593 / H.R. 1523**

- H.R.1523: To ban the use of bisphenol A in food containers, and for other purposes. Introduced by Rep. Edward Markey (D-MA), 9 co-sponsors
- S. 593: A bill to ban the use of bisphenol A in food containers, and for other purposes. Sen .Feinstein, Dianne [CA](3/12/2009) ; 2 cosponsors

The Ban Poisonous Additives Act of 2009 amends the Federal Food, Drug, and Cosmetic Act to define as a poisonous or deleterious substance any food or beverage container composed in whole or in part of BPA or that can release BPA into food.



Looking more broadly

Chemicals policy context

- Other BPA products, work environments
- Cumulating risk
 - 80,000 chemicals
 - Children's products: *BPA, lead, mercury, phthalate plasticizers, brominated flame retardants, persistent fluorocarbons*
 - How many hormone disruptors?
- Manufactured doubt (dirty science)
- Manufactured "safety"...Conflicts of interest
- Better safe than sorry, or Better sorry than safe



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Weight of the evidence

Manufactured scientific doubt



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"General public need not be concerned"

Health Canada, October 2008

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Bisphenol-A Europe

Bisphenol A (BPA) is an organic chemical compound which functions as the building block for epoxy resins and polycarbonate plastic. Polycarbonate plastic is a highly versatile, durable, heat and shatter resistant, and clear thermoplastic that is the material of choice for a wide range of end-user applications as diverse as DVDs, computers and home appliances, spectacles and optical lenses, baby and reusable water bottles, and medical equipment. Epoxy resins are used primarily as coatings for consumer and industrial applications, such as food and drinks cans and protective coatings for electronic and marine uses. Read more about [BPA and its applications](#).



FDA relied heavily on BPA lobby

Regulators actively reached out to industry, e-mails show

By Susanne Rust and Meg Kissinger of the Journal Sentinel

Posted: May. 16, 2009

- The American Chemistry Council’s BPA working group funded the studies & wrote entire sections of FDA’s assessment.
- Steve Hentges asked to give ACC’s opinion on a CDC study of BPA prevalence in humans, according to FDA email.
- ACC invited several times since 2000 to present on BPA at FDA. Chemicals company lobbyists assessed current science for FDA, and tracked state and international regulatory legislation.



The Payoff

Manufactured “safety”

Following the announcement that 6 major baby bottle manufacturers plan to stop using BPA, the ACC pointed to a 2008 FDA report that concluded the current levels of BPA exposure were safe for all ages.

ACC SmartBrief | 03/12/2009



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<http://www.npr.org/templates/story/story.php?storyId=102969622>

Plastic Peril?

Is 'Better Safe Than Sorry' Reason Enough For Law?

by Jon Hamilton

- **Forecaring**

Morning Edition, April 15, 2009 - A federal proposal to restrict a plastic additive called bisphenol A (BPA) is focusing attention on a guiding concept known as the **precautionary principle**.

- **To care about poisoning babies**

before

The proposal would ban BPA from food and beverage containers. Proponents say the precautionary principle requires such a ban because high doses of BPA can cause reproductive abnormalities and cancer in animals.

the BPA actually lands in their bodies

But whether you agree with that stance depends on how you define the **precautionary principle**. It's not written into federal law, and it turns out that people have widely differing views on what it is, and how it should be applied.



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Introduction

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Outline

- Public policy
 - States' actions
 - Bans
 - Prop 65
 - Federal
 - FDA
 - Other (CPSC, NIEHS)
 - Canada, by comparison
 - Beyond bottles (epoxies in the workplace?)
- Private policy
 - Corporate leaders
 - Bottle makers



Corporate laggards

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- Industry denial

– Manufacture of containers (FDA science)

Consideration for Prop 65 listing (CA)

http://www.oehha.ca.gov/prop65/CRNR_notices/state_listing/data_callin/BisA043009.html

- May 4, 2009 (at 2:53 pm) Download the document Assessment of the Evidence of Developmental and Reproductive Toxicity of Bisphenol A here.

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The Developmental and Reproductive Toxicant Identification Committee (DARTIC) of OEHHA's Science Advisory Board advises and assists OEHHA in compiling the list of chemicals known to the State to cause reproductive toxicity as required by Health and Safety Code Section 25249.8. The Committee serves as the State's qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause reproductive toxicity.



The DARTIC will consider the listing of bisphenol A at its next meeting on Wednesday, July 15, 2009. The meeting will be held in the Auditorium of

- Bios: If speakers have changes/additions to their bios for the introduction, please send information to Ted. The abstract (sent 3/10 with call reminder) includes the current very brief bios.

-

- Format and Timing: This is a 90 minute session.



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