



FDA Mulls Possible Restrictions on Bisphenol-A

March 10, 2012

WASHINGTON, March 10 (LID) – Federal regulators will decide this month whether to ban use of the synthetic chemical bisphenol-A (BPA) in all food packaging, officials said.

The U.S. Food and Drug Administration (FDA) is considering a BPA ban because of a citizens' petition filed by the National Resources Defense Council in October 2008.

After the regulatory body missed its 180-day deadline to respond to NRDC's petition that BPA not be allowed as a food additive, the New York-based NRDC filed a lawsuit in June 2010 to force the FDA into ruling on BPA safety.

BPA, which is present in most food and beverage cans, is a widely used industrial chemical used to make polycarbonate, a hard clear plastic.

In December, the FDA agreed to decide by March 31 whether to ban BPA from use in packaging for food and drinks.

BPA is used in food and beverage packaging because it helps prevent corrosion of cans, helps the product withstand high temperatures of the sterilization process and overall increases products' shelf life.

But physiologically, BPA mimics the hormone estrogen, and has been linked to increased breast cancer risk.

Although studies indicate current, low levels of human exposure to BPA is safe, the FDA and the National Toxicology Program at the National Institutes of Health "have some concern" about BPA's potential effects on the brain, behavior and prostate gland in fetuses, infants and young children.

Government scientists are working on comprehensive studies to clarify BPA's safety. But until the studies are completed, the FDA said it is "taking reasonable steps" to reduce BPA exposure through the food chain.

Among other precautions, the FDA is supporting the development of BPA alternatives for the linings of food cans and infant formula canisters.

In 2007, the Environmental Working Group (EWG) released a study showing that BPA leached from epoxy can linings into the surrounding food and drink.

In February, French lawmakers voted to ban BPA in all food packaging, beginning in 2014. Canada, in 2007, banned BPA in bottles, and Denmark has banned BPA in all baby-food products.

The U.S. government has not restricted BPA use. However, BPA-containing bottles and sippy cups are banned in California, Minnesota, Connecticut, Wisconsin, Washington, Maryland, Vermont and New York.

The FDA on Feb. 24 announced in the *Federal Register* that it was opening a 60-day public comment period on revisions to some BPA regulations.

The American Chemistry Council (ACC) requested revisions in October, to clarify that BPA is no longer used to manufacture baby bottles and sippy cups.

"Given concern about BPA, and the ongoing evaluation of and studies on its safety, FDA believes that the more modern framework is more robust and appropriate for oversight of BPA than the current one," an FDA briefing sheet said. "FDA will encourage manufacturers to voluntarily submit a food contact notification for their currently marketed uses of BPA-containing materials."

Following the two-month comment period, the FDA enters the final rulemaking process.



Copyright © 2012 *Law & Industry Daily*

Law & Industry Daily reports from the District of Columbia on litigation, regulation and public policy. As an independent news gatherer, the publication has no ideological agenda, and has no connections to any political, professional or lobbying organization.