



## SB 1713 AND FOOD DISTRIBUTION

Senate Bill (SB) 1713 seeks to limit infants' and toddlers' exposure to bisphenol A (BPA) by eliminating BPA in packaging for food products intended for infants and children under the age of three. Such a ban would inevitably undermine food safety and significantly reduce the availability of food products for both children and adults.

The overwhelming weight of scientific research and analysis has found that trace amounts of BPA found in food packaging present no significant health risk to all population groups, including infants and toddlers. BPA is a key ingredient of the epoxy resins used in metal food packaging to prevent spoilage and contamination. Removal of BPA from food packaging would have serious implications.

**Passage of SB 1713 would impact consumers of all ages for the very real reasons outlined below:**

- **Compromises Food Safety:** A ban on BPA as required by SB 1713 eliminates a key component in metal packaging that is critical to the safety of food and beverages. BPA-based epoxy-resin coatings are essential to prevent contamination and deterioration and spoilage of food products stored and distributed in metal packaging. There is no alternative to epoxy-resin coatings in metal food and beverage packaging that is effective for the broad range of canned products. Coatings in metal cans ensure food safety by enabling high temperature sterilization that eliminates the dangers of food poisoning from microbial contaminants such as *e.coli* and *listeria*, and epoxy coatings continue to be the best available material for this purpose. Put another way, metal cans in fact reduce the potential for serious illness, protecting children and adults alike.
- **Would Disrupt Food Chain:** When it comes to the majority of canned products, foods and beverages are not segmented based on who is going to consume them. Distinguishing metal packaged products for children from those intended for the general population is a gross oversimplification. Everyday canned food products, such as green beans and tomato sauce, are just as likely to be consumed by toddlers as their older siblings and parents. The target consumer is not a valid differentiating factor in the metal package design. Rather, what dictates can design include far more complex factors, such as food type, sterilization process, container manufacturing technology, and metal substrate and coating performance characteristics.
- **Risk to Product Availability:** This legislation would be disruptive to the entire food manufacturing and distribution chain. Passage of SB 1713 will prompt food and beverage companies to rethink the products they produce for the California market. Companies are

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likely to be reluctant to distribute in California any metal packaged food or beverage product that could have even a remote potential for being consumed by children under the age of three. Preliminary estimates indicate that **over 100** infant food and beverage products may be lost, permanently or temporarily, from the California market if a ban on BPA is enacted. A significantly higher number of foods and beverages may be deselected for the California market by food companies unwilling to sell products into California that “may” be consumed by young children.

- **Lack of Effective Non-BPA Alternatives:** No alternative to BPA-based epoxy-resin coatings in metal food and beverage packaging has been identified that is effective for the broad range of canned products. In fact, any alternative packaging would require a minimum of at least four to seven years to be developed, tested for safety and efficacy, and made market ready. Any suggestion that the coatings currently in commercial use and the associated container specifications affected can readily be replaced does not take into account the vast array of food products, and the manufacturing or sterilization processes involved in developing and manufacturing a functional container specification. New specifications, even those employing existing materials and technologies, are still subject to exhaustive efficacy testing to ensure performance, safety, and product compatibility requirements are met for the broad array of applications.
- **An Unrealistic Standard:** SB 1713 sets a maximum level of 0.5 ppb. This is orders of magnitude below any BPA standard promulgated anywhere in the world. It is questionable whether technology exists to reliably measure such low levels, particularly in a manufacturing setting. Ironically, SB 1713 makes no mention of BPA content in the food, just the packaging -- even if it does not come into contact with the food.

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