

SAFEGUARDS

CONSUMER GOODS AND RETAIL

CONSUMER PRODUCTS

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US CONGRESS PROPOSES TO BAN BPA IN FOOD AND BEVERAGE CONTAINERS

The US Congress has recently introduced a proposal to, among others, prohibit the use of bisphenol A (BPA) in food and beverage containers. Waivers to the BPA prohibition, subject to technological feasibility, may be granted by the Secretary. The proposed effective date is 180 days after enactment.

On 9 July 2014, the US Congress proposed legislation S. 2572 (and HR 5033) 'Ban Poisonous Additives Act of 2014' (BPA) to amend Federal Food, Drug, and Cosmetic Act¹. The proposal would, among others, prohibit the use of bisphenol A (BPA) in

- Reusable food containers
- Food container that is packed with food

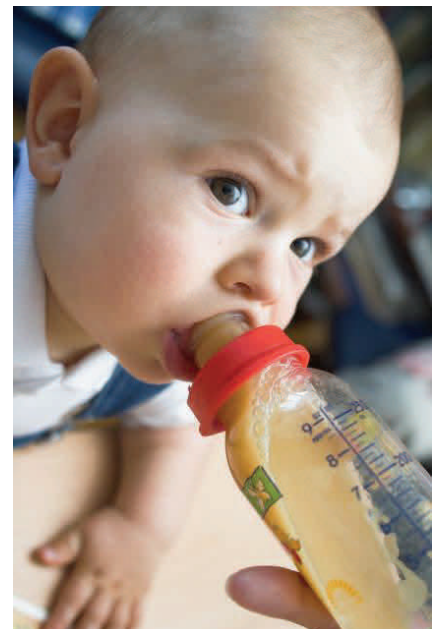
The above takes effect 180 days after the date of enactment.

The proposed legislation was jointly introduced by Senator Edward Markey (Massachusetts) and Representatives Lois Capps (California) and Grace Meng (New York). The bill will "help ensure that our factories and entire food supply are free from this damaging chemical. It's time to ban BPA and move to safer alternatives," said Mr Markey.

The American Chemistry Council (ACC) called the measure "unnecessary legislation that ignores the expert analysis of government scientists" at the FDA, "which strongly supports the continued use of BPA in food contact materials". The FDA's findings from its recent scientific review are consistent with the consensus of major government agencies around the world, said Steven Hentges of the ACC's Polycarbonate/BPA Global Group.

Under the proposal, the US Food and Drug Administration (FDA) may grant "renewable one-year waivers" to a certain type of food container or containers to a facility that manufactures, processes, packs, holds, or sells the particular food product or products if the facility can demonstrate that it is not technically feasible to

- Replace substance in certain types of containers or
- Use alternative containers



¹ [S. 2572](#), and references therein

Granting the waiver is subject to the condition that product is labelled indicating BPA was used and stating the substance can have adverse health impacts. The manufacturer of the product also has to submit a plan and timeline for complying with the ban.

food contact substance notifications, and substances that are generally recognised as safe (GRAS).

The proposal also allows the re-examination of approved food additives, effective

Highlights of the proposal are summarised in Table 1.

TABLE 1.

FEDERAL FOOD, DRUG AND COSMETIC ACT					
BILL (TITLE)	SUBSTANCE	SCOPE	REQUIREMENT	EFFECTIVE DATE	REMARK
S 2572 (Ban Poisonous Additives Act of 2014, BPA)	Bisphenol A (BPA)	<ul style="list-style-type: none"> Reusable food containers Food container that is packed with food 	Prohibited	180 days after enactment	Waiver may be granted subject to approval by Secretary*
OTHER PROVISIONS					
Re-examination of approved food additives, effective food contact substance notifications, and substances that are generally recognised as safe (GRAS)					
* Warning label required “ Bisphenol A (BPA) is a chemical that can leach into food and may harm prenatal development and the health of children and adults”					

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy for restricted substances, including BPA, in food contact materials and articles for the US and international markets. Please do not hesitate to contact us for further information.



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