

The North American Metal Packaging Alliance



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About NAMPA

The North American Metal Packaging Alliance, Inc. (NAMPA) is committed to promoting sound science in risk-based decision-making pertinent to the light metal packaging industry, advocating on behalf of the light metal packaging industry on issues pertinent to packaging technologies, and providing customers with needed information regarding light metal packaging technologies and the regulatory frameworks in which these technologies are assessed.

John M. Rost, Ph.D.
Chairman

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NAMPA News

Letter from the Chairman

When will science provide the last word on BPA, if ever? It's an interesting question, especially now that there is yet another scientific review of BPA supporting its safety, this time by the California Developmental and Reproductive Toxicant Identification Committee (DARTIC). In mid-July, DARTIC's independent panel of experts voted unanimously against listing BPA on Proposition 65, stating that the chemical is not a developmental or reproductive toxicant and does not pose a health risk to people. Still, this latest review did not quiet the critics of BPA and was dismissed by many who firmly believe BPA is dangerous, regardless of what trained scientific experts might say.

The fact is that over the past few years, numerous independent expert panels from around the world have reviewed the science on BPA and consistently have reached the same conclusion. Separately and independently, the U.S. Food and Drug Administration (FDA), the European Food Safety Authority, the German Federal Institute for Risk Assessment, Health Canada, and Japan's National Institute for Advanced Industrial Science and Technology, as well as food safety authorities in Australia and New Zealand, have considered the comprehensive body of knowledge regarding BPA, and all have affirmed its safe use in food and beverage application.

Yet the debate about BPA's safety continues unabated. The comprehensive scientific reviews are ignored or downplayed while the new studies about BPA, many of which fail to meet the most basic of study design protocols, grab headlines. Newer, unproven studies trump old, reliable, and verifiable research reviews, thus exposing the problem of the current scientific review process in the world today. At what point will there come a review of the science on BPA that is deemed impartial by all sides and accepted as the final answer? Is that even possible? Doesn't science always leave open the possibility that any hypothesis generated on a particular subject may actually be wrong? Is a definitive answer something upon which science can ever deliver?

These are serious questions that our industry must be prepared for, now more than ever, given that once again we are anticipating another review by the FDA due out in early fall. Regardless of the

FDA outcome, questions about BPA are likely to linger and consumers will be left to wonder what it all means. For the metal packaging industry, we must continue to move forward, supporting the safety of BPA in its current food safety applications, while at the same time continuing to focus on researching potential innovations in technology and materials, including both epoxy- and non-epoxy-based technologies, to maintain the metal can's status as a safe, cost-effective packaging solution.

COMMUNICATION ISSUES

The Future of Communications

When people mention the media, most of us think of traditional media outlets, such as newspapers, television, and radio broadcasts. More recently, however, the world has been taken by storm by new, nontraditional social or digital media, as more people worldwide engage each other via the Internet. These new communication tools have been important sources of information.

As discussions of Web 2.0 tools become more commonplace, it begs the question of what precisely these tools are, and how they operate.

Social Networking Sites (Examples: Facebook, LinkedIn) -- These sites allow individual users to sign up and virtually network with other users. Networks can be based on an infinite number of shared elements, from geography, interests, existing relationships, recommendations, and so on. Members can send messages, provide personal updates, and add photos, videos, or other features to enable two-way interaction with users.

Blog (Weblog) (Examples: Websites that include regular entries of commentary, descriptions of events, or other material such as graphics or video) -- Establishing a weblog allows an individual to post content or an organization to share writing responsibilities with a few writers as well as promoting positive news and messages. It can also be used to engage other bloggers and challenge negative news stories.

Podcasts -- Digital audio recordings on a topic that are posted online and available for download.

Micro-blogging (Examples: Twitter, Meebo) -- Micro-blogging refers to very short posts, based on limited character mini-blogs, covering a wide variety of various topics posted for discussion and two-way conversation through servers. Based on content of posts, users build a base of followers who regularly monitor contact. Through followers, users build a community of readers and interact in conversations in real-time.

Clearly, the consumer advocates and environmentalists were early

adopters of social media and have used these tools widely. Recognizing that these tools are here to stay and will continue to play an increasingly important role in driving attention to and influencing decisions regarding BPA, NAMPA is exploring how it can monitor and engage in such communication arenas when necessary to correct misinformation, offer an alternative perspective, and ensure that consumers truly have all of the most up-to-date information on epoxy resins and their role in packaged food and beverages.

FEDERAL ISSUES

FDA Science Board Meeting

On August 17, 2009, the FDA Science Board met to hear and discuss reports from its subcommittees. Included on the agenda was an update from FDA regarding its continued assessment of BPA. FDA officials reported on progress in its evaluation of BPA biomonitoring, low dose studies, and exposure assessments from food contact and medical device applications. At the end of the session, Dr. Jesse Goodman, Acting Chief Scientist and Deputy Commissioner for Scientific and Medical Programs, outlined the currently expected schedule for the food contact application review, which includes completion of the review of health effects studies, including low dose studies, by the end of August; a non-FDA government review of the health effects findings; and the Commissioner's decision on what, if any steps, are needed by the end of December 2009. The timeline for the medical device applications is different as it involves completion of several research projects. The presentation material can be accessed at <http://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/ScienceBoardtotheFoodandDrugAdministration/ucm177393.htm>.

Food Safety Act -- BPA

The House passed H.R. 2749, the [Food Safety Enhancement Act of 2009](#), late on July 30, 2009. The bill includes the following provision related to BPA in food and beverage containers:

Sec. 215 (a) Notice of Determination- No later than December 31, 2009, the Secretary of Health and Human Services shall notify the Congress whether the available scientific data support a determination that there is a reasonable certainty of no harm, for infants, young children, pregnant women, and adults, for approved uses of polycarbonate plastic and epoxy resin made with bisphenol A in food and beverage containers, including reusable food and beverage containers, under the conditions of use prescribed in current Food and Drug Administration regulations.

The Senate version of the Food Safety Act, sponsored by Senator Durbin (D-IL), does not currently have a BPA amendment. At this time, the Senate is expected to take up the House bill sometime in the fall.

Congo Conflict Minerals Act of 2009

Companies that use tin in their products should be aware of proposed legislation in the Senate related to the conflict minerals issue. That bill, [S. 891](#), would require annual disclosure to the Securities and Exchange Commission of activities involving columbite-tantalite, cassiterite, and wolframite, including information of the country of origin for the reported mineral. Reportedly, the House is looking to craft a similar bill. The electronics industry is working to reach out to other impacted industries to identify a mechanism that will address the potential regulatory requirements.

STATE ISSUES

California - Update on Prop 65 Activities

On July 15, 2009, the California DARTIC concluded that BPA is not a developmental or reproductive toxicant. The panel of experts voted unanimously in all three areas -- male reproductive toxicity, female reproductive toxicity, and developmental toxicity -- not to list BPA under Proposition 65. Materials from the July 15, 2009, meeting can be accessed at http://www.oehha.ca.gov/prop65/public_meetings/dart071509synop.html.

Immediately after the DARTIC meeting, the Natural Resources Defense Council (NRDC) filed a legal petition with the California Environmental Protection Agency (CalEPA) asking it to re-review the BPA decision. NAMPA will continue to monitor the issue.

California -- SB 797

SB 797, also known as the [Toxin-Free Toddlers and Babies Act](#), passed the California Senate and is expected to go to a floor vote after the California legislature reconvenes. The bill prohibits the sale of containers that contain BPA at levels above 0.1 ppb if the liquid, food, or beverage in that container is intended primarily for consumption by infants or children three years of age or younger. There is a provision that states if the California Department of Toxic Substances Control (DTSC) acts on BPA prior to the bill's deadline, the DTSC decisions would prevail over the legislation's requirements. If the bill passes on the floor, it will need to go back to the House for approval because the bill had been amended by the Senate.

Massachusetts -- BPA Warning Label

On August 3, 2009, The Massachusetts Department of Health issued a Public Health Advisory for BPA. The warning recommended that parents avoid using baby bottles that contain BPA for children under the age of two and that pregnant or nursing mothers limit their exposure to BPA. More information can be accessed at the Department of Health's website: <http://www.mass.gov/?pageID=>

INTERNATIONAL ISSUES

Health Canada Releases Results on BPA Exposure Levels

On July 9, 2009, Health Canada released results of studies investigating BPA exposure levels in baby food in glass jars with metal lids, powdered infant formula, and bottled water. Researchers found that all levels of BPA found in tested products were exceedingly low. The detection limits for these studies were 0.18 nanograms/gram or 0.18 parts per billion for baby food jars, 1.0 nanograms/gram for powdered infant formula, and 0.5 micrograms/liter for bottled water. The results show that all samples tested were well below the level established as safe for consumers by the Canadian government. In issuing the final reports, Canadian officials concluded that the assessments of baby food, powdered infant formula, and bottled water all confirmed that current dietary exposure is “not expected to pose a health risk to the general population, including infants and newborns.” Moreover, exposure to BPA through consumption of bottled water or jarred food would be “extremely low” and far below the migration limit set by Health Canada. The reports can be accessed at <http://www.hc-sc.gc.ca/fn-an/securit/packag-emball/bpa/index-eng.php>.

Canada Prohibits Sale and Importation of Baby Bottles That Contain BPA

On June 27, 2009, the *Canada Gazette* included a notice that the Government of Canada is moving forward with proposed regulations to prohibit the advertisement, sale, and importation of polycarbonate plastic baby bottles that contain BPA. Although the Government has concluded that exposure levels for newborns and infants up to 18 months of age are below those that could cause health effects, due to uncertainty raised in some studies relating to the potential effects of low levels of BPA, the Government wants to further limit exposure. The press release for this action can be found at http://www.hc-sc.gc.ca/ahc-asc/media/nr-cp/2009/2009_106-eng.php.

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