



July 9, 2008

Volume 1, Issue 1

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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

Message from the Chairman

It has been my privilege to serve as Chairman of the North American Metal Packaging Alliance, Inc. (NAMPA) since January of this year. In NAMPA's continuing commitment to serve its members and achieve its goals, I am pleased to offer our members and friends this inaugural issue of *NAMPA News*. This publication is intended to provide succinct, timely, and focused news on NAMPA activities, solicit articles from members and others on topics of shared interest, and promote NAMPA's core goals of fostering the use of sound science to address health, safety, and environmental issues pertinent to light metal packaging. As an organization, NAMPA has grown considerably since the beginning of the year, having started with 13 member entities, it now has 16, an increase of over 20 percent. This growth is a reflection of NAMPA's sustained membership outreach, greatly enhanced federal and state legislative and regulatory interest in bisphenol A (BPA), the commensurate heightened concern with the prospect of scientifically unsound limitations on commercial applications of BPA-derived epoxy resin coatings, and heightened interest in getting involved in efforts to stop these irrational and unsound measures. NAMPA continues to respond aggressively to such measures and, as described in this edition of *NAMPA News*, has been extraordinarily successful and energetic in promoting NAMPA's mission and goals.

NAMPA is also engaged in a variety of initiatives unrelated to BPA. As described below, NAMPA convened a one-day meeting in the Washington, D.C. area focusing on the European Union (EU) Industry Chain Coatings Code of Practice, the regulatory status of metal closures in the EU, and related EU metal packaging measures. The one-day program is described more below.

NAMPA News will be published bi-monthly. If you have an article or short piece you would like shared, please send it to INFO@METAL-PACK.ORG. We hope you find this publication useful, and look forward to exchanging information with you on issues of shared interest and concern.

NAMPA Communications And Outreach

By Stanton Communications, Inc.

Since beginning work with NAMPA in April 2008, Stanton Communications, Inc. has been engaged in a daily effort to provide the media and consumers with accurate information regarding the safety and benefits of epoxy coatings in metal food and beverage packaging. The Stanton team, which includes Peter V. Stanton, Catherine L. Imus, and Michelle E. Lancaster, provides both strategic planning and media relations expertise to our work with NAMPA and has extensive experience in working with trade associations, consortia, and other entities on complex and high-profile public policy/public health issues.

Stanton's strategic planning work has been focused primarily on developing a

NAMPA messaging slate. This has facilitated NAMPA spokespeople's ability to use clear and consistent language in responding to major scientific issues, health concerns, alternatives to BPA, and related topics that routinely arise in discussions involving BPA. Importantly also, considerable attention has been devoted to preparing concise and compelling statements regarding the enormous public health benefits epoxy resin coatings provide, and the many dire consequences that would result if commercial applications of epoxy resin coatings were limited, restricted, or eliminated. These message slates have served to guide NAMPA planning for critical meetings, including NAMPA's testimony before the Boston City Council, testimony before California legislators on AB 1713, and advocacy before the Chicago City Council.

NAMPA's primary communication goal from the beginning was to ensure Stanton is able to respond quickly and accurately to misinformation pertinent to epoxy resin coatings used in metal packaging food and beverage containers. Interviews with or statements made by Dr. John M. Rost, NAMPA Chairman, have been included in articles from publications such as the *Dallas Morning News*, *Chemical and Engineering News*, *Pesticide & Toxic Chemical News*, and the *Globe and Mail*. Letters to the editor have been prepared and distributed to the *Dallas Morning News* and *Plenty Magazine*. Interviews with publications that have yet to go to print have been conducted with industry publications, including *Canmaker*, *Packaging Strategies*, *Packaging World*, and *Food and Beverage Packaging*.

Additionally, NAMPA remained in front of the media with timely, informative press releases and statements. These included to name just a few, national distribution of NAMPA's response to Representative Ed Markey's (D-MA) bill to ban BPA in all food and beverage containers, the Food and Drug Administration's (FDA) statement on the safety of products containing BPA, and the National Toxicology Program's (NTP) Draft Brief on BPA.

In July, rapid response outreach efforts will continue, and will focus on the national and industry media. As California and Congress continue acting on proposed legislative measures intended to ban or limit BPA in certain products, Stanton will work to assist NAMPA in developing effective documents for use in meetings with key legislators and increase media presence in the key members' districts.

FEDERAL ISSUES

NTP BSC Peer Reviews NTP Draft Brief On BPA

NTP's Board of Scientific Counselors (BSC) peer reviewed the Draft Brief at its June 11-12, 2008, meeting. The BSC agreed with several conclusions in the Draft NTP Brief on Bisphenol A (BPA), but importantly the BSC recommended reducing the level of concern in the Draft Brief from "some" to "minimal" for effects in the mammary gland and an earlier age for puberty in females. The BSC also recommended the following revisions to the conclusions:

- The BSC accepted (7 yes, 4 no, 1 abstention) that the scientific evidence cited supports the conclusion of minimal concern for BPA exposure in fetuses, infants, and children at current human exposures based on effects in the mammary gland.
- The BSC accepted (7 yes, 4 no, 1 abstention) that the scientific evidence cited supports the conclusion of minimal concern for BPA exposure in fetuses, infants, and children at current human exposures based on an earlier age for puberty in females.

The video and transcript of the BSC meeting are available at <http://ntp.niehs.nih.gov/?>

[objectid=9CA245C4-F1F6-975E-777AC39D9D1F581D](http://ntp.niehs.nih.gov/index.cfm?objectid=78A617B9-F1F6-975E-7F3871DF6BC95C22). The meeting presentations are available at <http://ntp.niehs.nih.gov/index.cfm?objectid=78A617B9-F1F6-975E-7F3871DF6BC95C22>. NAMPA's May 23, 2008, comments are available on the Internet at <http://metal-pack.org/docs/pdf/00030763.PDF>.

STATE ISSUES

OEHHA Issues Data Call-In For BPA

On January 18, 2008, the Office of Environmental Health Hazard Assessment (OEHHA) announced the selection of BPA for review by the Developmental and Reproductive Toxicant Identification Committee (DARTIC) for possible listing under Proposition 65, as well as a 60-day data call-in for information relevant to the assessment of the evidence of the developmental and reproductive toxicity of BPA. OEHHA will announce the availability of the hazard identification materials, and details regarding the DARTIC meeting where BPA would be considered, in a subsequent notice. OEHHA anticipates that the hazard identification materials will be available for a 60-day comment period prior to the DARTIC meeting, which has been scheduled for November 20, 2008. In NAMPA's April 17, 2008, response to OEHHA, NAMPA urged OEHHA to review the final report by the NTP Center for the Evaluation of Risks to Human Reproduction (CERHR), which provides a scientifically sound basis for assessment of the potential reproductive and developmental effects of BPA. Because the CERHR Panel Report is balanced and authoritative, NAMPA recommended it be used as the foundation for any assessment of these issues that DARTIC performs. NAMPA noted that the findings of the CERHR Panel are also supported by another recent evaluation of BPA prepared by the European Food Safety Authority (EFSA).

LEGISLATIVE ISSUES

Federal

Senator Schumer Introduces BPA-Free Kids Act Introduced In Senate

On April 29, 2008, Senator Charles E. Schumer (D-NY) introduced the BPA-Free Kids Act of 2008 (S. 2928). Importantly, NAMPA met with Senator Schumer's staff a few days before the legislation was introduced and expressed NAMPA's grave concerns with *any* legislative measure that would in any way restrict or prohibit the use of BPA-derived epoxy resins for use as metal packaging linings for food and beverage containers. Shortly after the meeting, Senator Schumer's staff confirmed that S. 2928 was drafted to exclude application to food and beverage containers, a decision NAMPA believes was a direct result of its advocacy. S. 2928 is intended to achieve two key goals: ban any "children's product" that contains a detectable amount of BPA; and require the Centers for Disease Control and Prevention (CDC) to study BPA health effects in all age groups and pregnant women. The bill was referred to the Senate Committee on Commerce, Science, and Transportation. As introduced, the bill's ban is explicitly limited to "children's products" containing detectable levels of BPA. "Children's product" is defined as a "consumer product designed for or intended for use by, or care of, a child 7 years of age or younger." The bill identifies four criteria to be considered in determining whether a product is intended for use by a child 7 years of age or younger. Under the terms of the bill as introduced, BPA-derived epoxy resin coatings for food and beverage packaging are excluded.

Representative Markey Introduces BPA Act In House

With no warning whatsoever, on June 10, 2008, Representative Edward J. Markey (D-MA) introduced the Ban Poisonous Additives (BPA) Act of 2008 (H.R. 6228). The bill would amend the Federal Food, Drug, and Cosmetic Act (FFDCA) to deem to be adulterated a food in a container that is composed, in whole or in part, of BPA or that can release BPA into food. The bill would apply to containers introduced or delivered for introduction into interstate commerce on or after the date that is 180 days after the date of the enactment of the Act. The bill has been endorsed by the Breast Cancer Fund, Consumers Union, Environmental Working Group (EWG), Health, Education and Resources, Inc., Making Our Milk Safe, the National Research Center for Women and Families, Public Interest Research Group (PIRG), the Association of Reproductive Health Professionals, and the Chicago Consortium for Reproductive Health in Minority Communities. The bill was referred to the House Committee on Energy and Commerce.

Unlike the Schumer measure, Mr. Markey gave no expression of interest in BPA prior to introducing the bill. Immediately after the bill was introduced, NAMPA representatives met with Mr. Markey and his staff and expressed serious concern with the bill, provided background on the consequences of the bill if enacted as written, and expressed interest in beginning a dialogue with Markey's staff to ensure staff had all the information it needed with regard to understanding the food safety and related implications of a ban on BPA-derived epoxy resin coatings. NAMPA will continue to share information with Markey's staff, and work to ensure the bill is defeated.

State

California

BPA Ban Bill Advances To Assembly Vote

By Robert Chadwick, NAMPA Vice Chairman

Despite significant efforts to stop SB 1713, the measure will advance to the full California Assembly in August. Assemblywoman Carole Midge's legislation, if enacted, would prohibit the manufacture, sale, or distribution in commerce of any product intended to contain food or liquids for consumption by a child three years of age or younger if the product contains BPA. The measure cleared the Assembly Health Committee despite opposition efforts advanced by NAMPA, the Can Manufacturers Institute, the American Chemistry Council, infant formula manufacturers, and others. During the Health Committee hearing held on June 24, the bill's author cited additional amendments to the bill regarding a "phase-in" period and the addition of a 0.1 ppb "maximum allowable level" of BPA. The revised bill with the finalized amendments will return to both the Senate and Assembly for a final vote, anticipated to occur in August. After the revised bill has gone to a final vote, there will be no further opportunity for revision before potentially going to the Governor's office. Opposition efforts will continue in both the Legislature and Governor's office.

Local Government

Annapolis City Council Rejects BPA Notification Proposal

On June 16, 2008, the Annapolis City Council voted six to two on proposed Ordinance No. O-02-08, which would require retailers to notify customers if a product's container contains BPA, through the use of signage posted in the immediate area "where such containers are displayed." Proposed Resolution No. R-01-08 would establish fines for the failure of retailers to post signs notifying customers that a food or beverage container contains BPA. On May 27, 2008, the Economic Matters Committee of the City of Annapolis Council unanimously voted to oppose the proposed Ordinance and Resolution. Alderman Ross Arnett (D), Committee Chair, and Alderwoman Finlayson (D) and Alderman Israel (D) offered, among other reasons, concerns with the scope of the proposed ordinance, the role the City of Annapolis would be taking on in second guessing the scientific judgment of regulatory bodies, the fact that federal legislation pertinent to BPA has been proposed, the vagueness of the measure with respect to posting notices in the "immediate area" of food and beverage containers subject to the notification requirement, and even First Amendment concerns with requiring retailers to notify customers more than perhaps they wish to or reliably are able to notify in all cases. NAMPA testified at the public meeting on February 25, 2008, and presented remarks on May 27, 2008, before the Committee. While Annapolis Mayor Moyer, the lone sponsor of the measure, is able to raise the issue again, NAMPA understands that it is highly unlikely the measure will be considered further in light of the Committee's unanimous vote.

NAMPA is pleased to have been a considerable force in successfully urging the City Council to oppose this measure.

Chicago City Council Considers BPA Ban

On May 14, 2008, Aldermen Edward Burke and Manuel Flores, Chicago City Council, introduced an ordinance seeking to ban the sale of any product intended for use by children seven years of age or younger which contains "detectable" amounts of BPA. The measure was sent to a joint committee of Finance and License & Consumer Protection.

On July 8, the Chicago City Council met again, and the measure was considered. The hearing occurred without testimony and was recessed after announcing the proposed ordinance. It is expected that future hearings will occur with testimony from both sides of the issue. NAMPA Chairman John Rost, whose Crown Packaging's Technical Center is located in Alsip, Illinois, has been working closely with a coalition of interests opposing the ban, and will continue to work to defeat the measure. On June 30, 2008, NAMPA representatives and infant formula company representatives met with Alderman Burke and staff to discuss the proposed ordinance. The meeting was viewed as quite positive as the Alderman admitted being unaware of the numerous infant products that the ordinance would be banning in Chicago. Alderman Burke was also made aware of FDA's official position that it considers the current uses of BPA-derived materials as "safe" for use in contact with food. Alderman Burke stated that this would not be a fast process and that it was his intention to hold several hearings on the matter to understand fully the implications of the proposed ordinance.

INTERNATIONAL ISSUES

Canada Releases Draft Documents And Proposes BPA Restrictions

On April 19, 2008, the Ministers of Health and the Environment announced a proposal to ban the importation, sale, and advertising of polycarbonate baby bottles containing

BPA. According to Health Canada, its screening assessment primarily focused on its impacts on newborns and infants up to 18 months of age. Health Canada determined that the main source of exposure for newborns and infants is through the use of polycarbonate baby bottles when they are exposed to high temperatures and the migration of BPA from cans into infant formula. Health Canada concluded that BPA exposure to newborns and infants "is below levels that may pose a risk, however, the gap between exposure and effect is not large enough." Environment Canada found that at low levels, BPA can harm fish and aquatic organisms over time. Canada is proposing to reduce BPA exposure in infants and newborns through a number of actions: to ban polycarbonate baby bottles; to develop stringent migration targets for BPA in infant formula cans; to work with industry to develop alternative food packaging and develop a code of practice; and to list BPA under the Canadian Environmental Protection Act (CEPA) Schedule 1. NAMPA submitted on June 18, 2008, extensive comments on the proposed screening assessment. More information, including links to the draft screening assessment and risk management scope document, is available at

http://www.chemicalsubstanceschimiques.gc.ca/challenge-defi/bisphenol-a_e.html.

NAMPA's comments are available at <http://www.metal-pack.org/docs/pdf/00032347.PDF>.

BPA Nominated For IARC Review

The International Agency for Research on Cancer (IARC) recently solicited nominations for review in future *IARC Monographs*, which identify environmental factors that can increase the risk of human cancer. The Natural Resources Defense Council (NRDC) and National Institute of Environmental Health Sciences (NIEHS) each submitted nominations for BPA. NRDC listed the following reasons for IARC to review BPA: widespread use in consumer products (polycarbonate plastic); widespread exposure from canned food (used as epoxy resin lining in all food cans); widespread exposure in the population as measured by the National Health and Nutrition Examination Survey (NHANES) at the CDC; and current levels of exposure in general population are associated with adverse effects. To assist IARC in selecting substances for review, it convened an Advisory Group to review all public nominations and to recommend those it considers to be of high priority. The Advisory Group met on June 17-20, 2008. The complete list of substances nominated is available at <http://monographs.iarc.fr/ENG/Meetings/2008Nominations-Agents.pdf>, and the nominations are available at <http://monographs.iarc.fr/ENG/Meetings/2008Nominations-forms.pdf>.

ECB Posts Updated RAR For BPA

In June 2008, the European Chemicals Bureau (ECB) posted an updated Risk Assessment Report (RAR) (human health only) for BPA. The 2003 RAR for BPA stated that, regarding human health and development toxicity, there "is need for further information and/or testing." According to the updated RAR, the information requirements were a two-generation study in mice according to the Organization for Economic Cooperation and Development (OECD) 416 (with some specific modifications). The two-generation study has been submitted to the Rapporteur (United Kingdom (UK)) for evaluation, and the UK has updated the original risk assessment, reviewing the requested study and new data on human exposure and effects of BPA that have become available since the 2003 RAR was completed. The updated RAR is available at http://ecb.jrc.it/documents/Existing-Chemicals/RISK_ASSESSMENT/ADDENDUM/bisphenolaHH_add_325.pdf.

NAMPA Hosts Meeting In EU Developments In Metal

Packaging

By John M. Rost, Ph.D., NAMPA Chairman

An important part of NAMPA's mission is to foster the use of sound science to address health, safety, and environmental issues affecting light metal packaging in North America. Given all of the significant initiatives and regulatory developments ongoing in the EU, NAMPA convened a one-day meeting on June 26, 2008, to listen to NAMPA member company representatives from the EU as they presented a series of information PowerPoint presentations on a range of regulatory and stewardship initiatives.

Richard Whitaker, MPMA Chair to the Food Contact Subcommittee, gave several presentations. These included a thorough and very informative outline of the EU industry chain coatings code of practice, an up-to-the-minute overview of the regulatory status of closures in the EU, and a detailed and comprehensive overview of the work of the European Packaging Inks Joint Industry Task Force (PIJITF). Each of these presentations is available at the members' only portion of the NAMPA website.

Dr. Peter K.T. Oldring, The Valspar (UK) Corporation Limited, provided a detailed summary of FACET, the Flavours, Additives, and Food Contact Materials Exposure Task Force, focusing on the role of food packaging in FACET. As explained more in Peter's presentation, which is available on the NAMPA members' only website, FACET is creating an exposure-based, risk management tool for DGSANCO, EU Member States, EFSA, and industry. Outputs include a harmonized database on nationally-available food intake data, a database on occurrence of substances in food packaging, an extended harmonized food consumption database for regional modeling and risk assessment intended to fill data gaps, and a list of all substances used in food contact materials. FACET will also develop various models and tools, including, among others: a migration model for multi-layer and multi-materials packaging; a QSAR tool to estimate the toxicity of food contact substances; and a publicly available software for estimating exposure to target food chemicals and food migrants. Much more information is included in Dr. Oldring's materials.

NAMPA is greatly appreciative of Richard Whitaker's and Dr. Peter Oldring's participation in the conference, and is thankful for the tremendous effort each devoted to making the conference a success. NAMPA intends to present other one-day meetings on topics of general interest such as these EU developments. If you have thoughts or suggestions on topics, venue, and related matters, please send them to INFO@METAL-PACK.ORG.

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