To amend the Federal Food, Drug, and Cosmetic Act to require a warning on the label of any food container that is composed, in whole or in part, of bisphenol A or could release bisphenol A into food.

IN THE HOUSE OF REPRESENTATIVES

December 16, 2009

Mr. Ryan of Ohio (for himself, Mr. Kennedy, Mr. Hinchey, and Mr. Israel) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Federal Food, Drug, and Cosmetic Act to require a warning on the label of any food container that is composed, in whole or in part, of bisphenol A or could release bisphenol A into food.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “BPA Consumer Information Act of 2009”.

SEC. 2. FINDINGS.

The Congress finds as follows:
(1) Bisphenol A (BPA) is used to make, among other consumer items, polycarbonate plastic used in food and beverage containers and epoxy resins for can linings.

(2) In monitoring studies, BPA has been detected in infants’ blood.

(3) There is an ongoing, multiyear debate in the scientific community on the reproducibility, validity, and relevance to humans of test results in laboratory animals that indicate BPA may cause adverse health effects at low doses.

(4) This has led States to propose individual actions to manage risk from exposure to BPA within their borders.

(5) Exposures to BPA in food and beverage containers continue while uncertainty over “acceptable” risk levels is debated.

(6) In the absence of certainty over potential risk, and based on the potential inherent hazard posed by BPA, it is prudent to require labeling for products causing exposure to BPA, thereby assisting consumers in making better informed decisions and spurring a search for alternatives.
SEC. 3. BISPHENOL A IN FOOD CONTAINERS.

(a) MISBRANDING.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following:

“(z) If its container—

“(1) is composed, in whole or in part, of bisphenol A or could release bisphenol A into food; and

“(2) fails to display, in such manner as the Secretary may require, a warning on the label that states the container is composed, in whole or in part, of bisphenol A or could release bisphenol A into food, as applicable.”.

(b) APPLICABILITY.—Section 403(z) of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall apply only with respect to food that is introduced or delivered for introduction into interstate commerce on or after the date that is 6 months after the date of the enactment of this Act.