AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

113TH CONGRESS
1ST SESSION

S. 1124

To establish requirements with respect to bisphenol A.

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2013

Mrs. FEINSTEIN (for herself, Mr. KING, and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

A BILL

To establish requirements with respect to bisphenol A.

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 in Food Packaging Right to Know Act''.

SEC. 2. REQUIREMENTS WITH RESPECT TO BISPHENOL A.

(a) REGULATION OF CONTAINERS COMPOSED OF BISPHENOL A.—

(1) SAFETY ASSESSMENT OF PRODUCTS COMPOSED OF BPA.—Not later than 180 days after the date of enactment of this Act, the Secretary of

Health and Human Services (referred to in this Act as the ''Secretary'') shall issue a revised safety assessment for food containers composed, in whole or in part, of bisphenol A, taking into consideration different types of such food containers and the use of such food containers with respect to different foods, as appropriate.

(2) SAFETY STANDARD.—Through the safety assessment described in paragraph (1), and taking into consideration the requirements of section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348) and section 170.3(i) of title 21, Code of Federal Regulations, the Secretary shall determine whether there is a reasonable certainty that no harm will result from aggregate exposure to bisphenol A through food containers or other items composed, in whole or in part, of bisphenol A, taking into consideration potential adverse effects from low dose exposure, and the effects of exposure on vulnerable populations, including pregnant women, infants, children, the elderly, and populations with high exposure to bisphenol A.

(3) APPLICATION OF SAFETY STANDARD TO ALTERNATIVES.—The Secretary shall use the safety

standard described under paragraph (2) to evaluate the proposed uses of alternatives to bisphenol A.

(b) CONTAINER LABELING.—

(1) IN GENERAL.—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 is composed, in whole or in part, of bisphenol A, unless the label includes the following statement: 'This food packaging contains BPA, an endocrine-disrupting chemical.'.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 180 days after the date of enactment of this Act.

(c) SAVINGS PROVISION.—Nothing in this section (or the amendments made by this section) shall affect the right of a State, political subdivision of a State, or Indian Tribe to adopt or enforce any regulation, requirement, liability, or standard of performance that is more stringent than a regulation, requirement, liability, or standard of performance under this section or that—

(1) applies to a product category not described in this section; or

(2) requires the provision of a warning of risk, illness, or injury associated with the use of food con-

tainers composed, in whole or in part, of bisphenol A.

(d) DEFINITION.—For purposes of this section—

(1) the term ''container'' includes the lining of a container; and

(2) the term ''food'' has the meaning given that term in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

○