

June 24, 2009

The Honorable Fran Pavley
California State Senate
State Capitol, Room 4035
Sacramento, CA 95814

RE: Senate Bill 797 - OPPOSE

Dear Senator Pavley:

On behalf of the California Healthcare Institute (CHI), whose more than 250 members include our state's premier life sciences companies and academic research institutions, I am writing to oppose SB 797, a bill that would prohibit the manufacture, sale, or distribution of bottles, cups, and cans used primarily by children under three years of age that contain bisphenol-A (BPA.)

Many governmental agencies and scientific bodies around the world have investigated the safety of BPA, and have all reached conclusions that support the continued safe use of BPA in its current applications. These bodies include:

- United States Food and Drug Administration (FDA)
- European Food Safety Authority (EFSA)
- French Food Safety Authority (AFFSA)
- Danish Environmental Protection Agency
- German Federal Institute for Risk Assessment (BfR)
- Dutch Food and Consumer Product Safety Authority (VWA)
- European Union
- Swiss Federal Office for Public Health (OFSP/BAG)
- Japanese National Institute of Advanced Industrial Science and Technology
- Japanese Ministry of Environment
- Food Standards Australia and New Zealand (FSANZ)
- NSF International

Last year, the California Legislature passed the "Green Chemistry Initiative," (AB 1879 – Feuer and SB 509 – Simitian.) This legislation bestowed authority to the

Department of Toxic Substance Control (DTSC) and other state agencies to determine the safety of chemicals in consumer products and to regulate chemicals deemed to pose dangers to the public as they deemed appropriate.

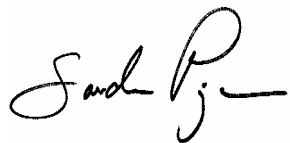
CHI supports this approach to evaluating the safety of chemicals in consumer products. It allows state agencies with scientific expertise and experience to conduct rigorous analysis and formulate conclusions about chemical safety in products that are based in science. In the Senate Environmental Quality Committee's analysis of AB 1879 last year, they noted that the bill, "provides for a more expansive approach without prejudging what chemicals and what products, or what actions should be taken. This bill provides an open and transparent process for indentifying and prioritizing the most dangerous chemicals and for determining what the department should do about these chemicals contained in products."

Governor Schwarzenegger, in his message signing both AB 1879 and SB 509 into law, noted that, "This bi-partisan package of environmental legislation propels California to the forefront of the nation and the world with the most comprehensive Green Chemistry program ever established. *It also puts an end to the less effective chemical-by-chemical bans of the past.*"

Currently, DTSC is working studiously to implement the provisions contained in the Green Chemistry Initiative. The Green Ribbon Science Panel members have been named and we expect regulations from the panel by the end of this year. CHI feels that this panel is most appropriately equipped to evaluate BPA in consumer products in California, and that we should allow the processes outlined in the Green Chemistry Initiative to govern any further regulation of BPA.

For these reasons, we must respectfully oppose SB 797. Please feel free to contact us if you have any questions or would like to discuss this further.

Sincerely,



Sandra Pizarro
Vice President – State Government Affairs

cc: Chair & Members, Assembly Environmental Safety and Toxic Materials
Committee
The Honorable Carol Liu
The Honorable Fiona Ma