

113TH CONGRESS  
1ST SESSION

# S. 1124

To establish requirements with respect to bisphenol A.

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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

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## A BILL

To establish requirements with respect to bisphenol A.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “BPA in Food Pack-  
5       aging Right to Know Act”.

6       **SEC. 2. REQUIREMENTS WITH RESPECT TO BISPHENOL A.**

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

9               (1) SAFETY ASSESSMENT OF PRODUCTS COM-  
10       POSED OF BPA.—Not later than 180 days after the  
11       date of enactment of this Act, the Secretary of

1 Health and Human Services (referred to in this Act  
2 as the “Secretary”) shall issue a revised safety as-  
3 sessment for food containers composed, in whole or  
4 in part, of bisphenol A, taking into consideration dif-  
5 ferent types of such food containers and the use of  
6 such food containers with respect to different foods,  
7 as appropriate.

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

23 (3) APPLICATION OF SAFETY STANDARD TO AL-  
24 TERNATIVES.—The Secretary shall use the safety

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

3 (b) CONTAINER LABELING.—

4 (1) IN GENERAL.—Section 403 of the Federal  
5 Food, Drug, and Cosmetic Act (21 U.S.C. 343) is  
6 amended by adding at the end the following:

7 “(z) If its container is composed, in whole or in part,  
8 of bisphenol A, unless the label includes the following  
9 statement: ‘This food packaging contains BPA, an endo-  
10 crine-disrupting chemical.’”.

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

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

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

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

1        tainers composed, in whole or in part, of bisphenol

2        A.

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

4            (1) the term “container” includes the lining of  
5        a container; and

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

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