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## **French adoption of a law to restrict the use of Bisphenol A (BPA) in food packaging has no safety benefit for consumers, disregards existing European law and risk assessment, and severely distorts the internal market**

**On November 28, 2012, the French General Assembly adopted a law proposal to impose a use restriction for products intended to come into direct contact with foodstuffs for children up to the age of three from the first day of the month following the promulgation of the law, and on all BPA-based food contact packaging in France from January 2015. This decision**

- may result in a reduction, and not an enhancement, of French consumer safety,
- is not supported by the current weight of scientific evidence,
- is in conflict with European Union (EU) food contact regulation and the opinions of the European Food Safety Authority (EFSA),
- will create a significant distortion of the internal market for food contact goods in the EU.

### **Safety of alternative materials must be proven**

The members of the PC/BPA and epoxy resin groups welcome the National Assembly decision to request the government to submit a report evaluating possible alternatives to BPA with respect to their potential toxicity before 1 July 2014. In fact, certain claims regarding the availability of appropriate alternative materials for use in all food contact applications are non-substantiated. For the vast majority of products there are currently no adequate alternative substances or materials available, which are sufficiently tested, shelf-life-proven, and matching BPA's performance characteristics. However, in this context it appears astonishing that France invites the use of potential alternatives for products for small children as soon as possible, while in the same law it requests a report on the potential toxicity of alternatives only by July 2014 – this would mean a specially vulnerable part of the population could be exposed to products with an unknown toxicity profile during that period. A science-based assessment of alternative materials will be crucial to consumer safety in France.

### **Labelling discredits legally approved products**

The request to label food packaging containing BPA with a health warning against its use by pregnant women, breastfeeding women and children below three is a paradox in itself. Products on the European market are tested and approved for their uses; if compliant with existing legislation, the sole effect of such a label will therefore be to discredit and question the suitability of a product that is safe for use and fulfills all legal and regulatory requirements. This decision

- substantially increases consumer concern about what they can rely on
- adds little to consumer choice
- will not contribute to increased safety of consumers
- will cause incalculable added costs and complexity for business operators, the practical consequences for the French market will have to be observed.

### **BPA has repeatedly been assessed and confirmed safe for its intended uses:**

- ❖ BPA-based materials in food contact comply with strict EU safety rules. There is no evidence that the exposure of consumers or workers to products made from materials based on BPA could cause a safety risk to human health. There is no scientific reason to replace a well-tested, authority-assessed and confirmed as safe product.

Polycarbonate/Bisphenol A group  
Epoxy Resin Committee

- ❖ EFSA assessed BPA safety in food contact materials in 2006, 2007, 2008, 2010, and 2011 – on each occasion it was concluded that BPA can be safely used in its current food contact applications, including products for newborns and small children.
- ❖ After review of the 2011 French Food Safety Agency (ANSES) report on BPA, EFSA and the European Commission concluded there was no need for any risk reduction measures further to those already in place.
- ❖ In September 2012, Health Canada released its updated “Assessment of BPA Exposure from Food Sources” and once again confirmed that BPA is safe for use in food contact materials. The experts conclude: *‘that current dietary exposure to BPA through food packaging uses is not expected to pose a health risk to the general population, including newborns and young children.’*

The members of the PC/BPA and ERC groups therefore express severe disappointment and concern regarding the potential consequences of the vote of the French Assemblée Nationale on 28 November. By “reversing” the roles between EU and Member States regarding decisions on food safety, a dangerous precedent is set whereby established EU risk management processes are ignored, the integrity and credibility of EFSA and other EU risk assessment bodies are undermined and the functioning of the internal market of the EU is severely threatened.

The French Senate has to vote again on the final text. The new full EFSA reassessment is expected in May 2013; Member States should hold any national initiatives until this expert opinion is available.

**Industry strongly requests that the French government respects the existing EU rules and regulations for food safety which are in place and indeed valid and implemented for BPA.**

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