

Halverson, Vicky

From: Sally Ackerman [sackerman@nicoletwater.com]
Sent: Wednesday, July 08, 2009 11:10 AM
To: Kerkman, Samantha
Subject: FW: Wisconsin BPA Ban Bill
Attachments: BPA background.pdf; talk points memo.pdf

Dear Rep Kerkman,

Thank you for taking the time to call me and discuss the pending legislation on BPA. I won't inundate you with too much information, I am just forwarding a small sample. Besides, everything, pro and con, is easily accessible on the internet these days.

As I mentioned during our conversation, our plant manager, Barb Wesolowski, would be happy to answer any technical questions regarding our handling of the #7 plastic bottles to ensure there is no leaching of BPA into our water. She can be reached at 715-276-3434. You can also reach me during the day at 262-878-8956 if there is anything that I can help with.

Thank you again, it definitely means something when the people you vote for actually care what you think and how their votes impact the lives in their community. I don't have the illusion that this bill will not eventually be passed, I would just hope that it is fair to both the consumer and the employer.

Sincerely,
Sally Ackerman
Operations Manager
Nicolet Natural SE, Inc.

7/9/2009

Halverson, Vicky

From: Sally Ackerman [sackerman@nicoletwater.com]
Sent: Thursday, July 02, 2009 11:23 AM
To: Kerkman, Samantha
Subject: FW: LRB-1837/1 Ban on BPA
Follow Up Flag: Follow up
Flag Status: Purple

Please note that I have added my telephone number to the original email as requested.

From: Sally Ackerman [mailto:sackerman@nicoletwater.com]
Sent: Thursday, July 02, 2009 11:01 AM
To: 'Sen.wirch@legis.wisconsin.gov'; Representative Kerkman (Rep.kerkman@legis.wisconsin.gov)
Subject: LRB-1837/1 Ban on BPA

This legislation calls for prohibition of bottles or cups for use by children containing BPA. Putting aside scientific studies which dispute the harmful effects of BPA, this legislation does not define the age of children, which in other states is usually under 3 yrs of age. The term "bottled water container" is also extremely broad and should be rewritten to clearly provide that the prohibition only applies to bottles and cups intended by the manufacturer to be used by children "under age 3".

This may be just another of hundreds of bills that pass your desk, but, if passed as written would put my employer out of business in the state of Wisconsin. We bottle and distribute bottled water in the State of Wisconsin. Consumer safety is our number one concern. We have done our homework on BPA along with hundreds of other bottled water companies. We belong to the International Bottled Water Association which is devoted to consumer safety. For every negative article regarding BPA, they will give you 10 scientific studies proving there are no conclusive studies showing harmful effects. I would urge you to do your homework before signing a bill that is vague and could put even more Wisconsinites on the unemployment role.

Sincerely,
Sally Ackerman
28315 Bushnell Road
Burlington, WI 53105
262-539-3798

BISPHENOL A OVERVIEW

Bisphenol A is one of the most extensively tested of all substances and has been used safely for more than 50 years. It is used to make tough, shatter-resistant polycarbonate plastic and versatile epoxy resins, both of which are used in a wide array of consumer products that we value and use every day.

How It Is Used:

- Polycarbonate plastic is a key component of many vital medical devices. Among others, **incubators, kidney dialyzers, heart-lung machines, and infusion units** all contain polycarbonate components. It offers the unique characteristics of rigidity, strength and heat-resistance, which allow the components to be sterilized and used repeatedly without damage, while its transparency is critical to detecting life-threatening air bubbles.
- **Corrective eyeglass lenses as well as visors and safety goggles** protect the eyes with virtually unbreakable polycarbonate. Likewise, **sports safety equipment such as bicycle helmets** protects children from injury while being lightweight and comfortable to wear.
- Polycarbonate plastic is used for many products that keep food safe, fresh, and readily available for children and adults alike. For instance, **reusable baby bottles, food-storage containers, and tableware** made with polycarbonate are durable, shatter-resistant and heat-resistant.

In addition, most **metal food and beverage containers** have a thin coating of an epoxy resin to prevent the can from corroding, becoming contaminated with bacteria and spoiling the food.

- Many **dental sealants and composites**, which protect children's teeth from decay and help maintain dental health, are based on components derived from bisphenol A.

Why It Is Safe for Use:

The scientific evidence supporting the safety of bisphenol A has been comprehensively examined by many government and scientific bodies worldwide in recent years. These assessments support the conclusion that **bisphenol A is not a risk to human health** at the extremely low levels to which people might be exposed from use of products made from polycarbonate plastic or epoxy resins. Based on these scientific evaluations, **bisphenol A is not banned or restricted anywhere in the world.**

Key examples of the most recent assessments include:

- **US Food and Drug Administration (FDA)** – In August 2008, FDA released a draft safety assessment of bisphenol A in food-contact products (e.g., baby bottles, water bottles, food containers). The assessment was conducted by a cross-agency task force of FDA scientists and comprehensively included data and information from recent government reviews of bisphenol A (see below), as well as from non-governmental sources and the scientific literature. Overall, FDA concluded: *“an adequate margin of safety exists for BPA at current levels of exposure from food contact uses, for infants and adults.”*

In late October, FDA's board of scientific advisors provided their recommendations to FDA from a scientific peer-review of the draft assessment. In response, FDA has outlined additional research and data gathering they will undertake to address the recommendations and has also stated: *“[c]onsumers should know that, based on all available evidence, the present consensus among regulatory*

voluntary action to achieve the lowest possible levels of bisphenol A in infant formula. Under consideration is a ban of polycarbonate baby bottles, but no action has yet been taken. The proposed ban is limited to baby bottles and, in regard to polycarbonate bottles, tableware and food containers, Health Canada has stated: *"you should not be concerned about using these products."*

- **Food Standards Australia New Zealand (FSANZ)** – An updated statement from FSANZ regarding the safety of bisphenol A in food packaging, released in March 2009, stated *"FSANZ has assessed the risk to infants from exposure to BPA and concurred with the conclusions reached by the US FDA and the EFSA that the levels of exposure are very low and do not pose a significant health risk."*
- **Japanese National Institute of Advanced Industrial Science and Technology (NIAIST)** – A comprehensive report published in November 2005 by NIAIST (affiliated with the Japanese Ministry of Economy, Trade and Industry) confirmed no risk of bisphenol A to human health, including infants and children, and noted that no bans or restrictions are needed.

Also in 2005, the **Japanese Ministry of Environment** concluded, based on their own comprehensive testing, that there were no clear endocrine disrupting effects found at low doses and that no regulatory action is required to manage risks.

- In October 2008, an **expert scientific panel** published the results of their weight-of-the-evidence evaluation of low-dose reproductive and developmental effects of bisphenol A. This evaluation is the third in a series that began with an evaluation, published in 2004, by an independent panel of scientific experts organized by the Harvard Center for Risk Analysis. Based on their review of scientific literature available through July 2008, the panel concluded: *"The weight of evidence does not support the hypothesis that low oral doses of BPA adversely affect human reproductive and developmental health."*
- In February 2008, **NSF International** (a not-for-profit public health and safety organization) published their comprehensive safety assessment of bisphenol A and established a safe intake level for bisphenol A in drinking water. The level for drinking water is comparable to the level established by the European Food Safety Authority for bisphenol A in food. The assessment was led by Dr. Calvin Willhite, a respected scientist with the California Department of Toxic Substances Control.

In light of the frequency, consistency, and timeliness of government assessments of bisphenol A, it is apparent that there is no need for additional legislation or regulation for bisphenol A. **Existing regulatory processes are adequate to protect human health**, including children's health, and have proven to be functional and timely.

For more information on bisphenol A, please contact:

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6/23/09

Wisconsin Ban on BPA in Baby Products
(LRB-1837/1)

What the Bill Does.

LRB-1837/1 would:

- Prohibit the manufacture and sale of bottles and cups for children that contain bisphenol A ("BPA").
- Provide for product labeling requirements.
- Make an appropriation to DATCP.
- Provide penalties of up to \$5000 or one year in jail, or both.

Clarification Needed.

The legislation defines a "child container" as an empty bottle or cup that is intended for use by a child. Laws and legislation on this subject in other states and jurisdictions typically specify that the prohibition applies to children under age three. This tends to be the point at which baby products are distinguished from other items.

Other States and Jurisdictions.

The under the age 3 provision is included in:

- Minnesota's new BPA law.
- The City of Chicago ordinance that is now in effect.
- The California bill that has passed the State Senate (age 3 and under).
- The Suffolk County, New York state ordinance that is now in effect.
- The pending legislation in New York (age 3 and under).

In Canada, their pending regulatory initiative applies only to baby bottles.

Rationale