

111TH CONGRESS  
1ST SESSION

# H. R. 4341

To amend the Federal Food, Drug, and Cosmetic Act to require a warning on the label of any food container that is composed, in whole or in part, of bisphenol A or could release bisphenol A into food.

---

## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 16, 2009

Mr. RYAN of Ohio (for himself, Mr. KENNEDY, Mr. HINCHEY, and Mr. ISRAEL) introduced the following bill; which was referred to the Committee on Energy and Commerce

---

## A BILL

To amend the Federal Food, Drug, and Cosmetic Act to require a warning on the label of any food container that is composed, in whole or in part, of bisphenol A or could release bisphenol A into food.

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 Consumer Infor-  
5       mation Act of 2009”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds as follows:

1           (1) Bisphenol A (BPA) is used to make, among  
2           other consumer items, polycarbonate plastic used in  
3           food and beverage containers and epoxy resins for  
4           can linings.

5           (2) In monitoring studies, BPA has been de-  
6           tected in infants' blood.

7           (3) There is an ongoing, multiyear debate in  
8           the scientific community on the reproducibility, va-  
9           lidity, and relevance to humans of test results in lab-  
10          oratory animals that indicate BPA may cause ad-  
11          verse health effects at low doses.

12          (4) This has led States to propose individual ac-  
13          tions to manage risk from exposure to BPA within  
14          their borders.

15          (5) Exposures to BPA in food and beverage  
16          containers continue while uncertainty over “accept-  
17          able” risk levels is debated.

18          (6) In the absence of certainty over potential  
19          risk, and based on the potential inherent hazard  
20          posed by BPA, it is prudent to require labeling for  
21          products causing exposure to BPA, thereby assisting  
22          consumers in making better informed decisions and  
23          spurring a search for alternatives.

1 **SEC. 3. BISPHENOL A IN FOOD CONTAINERS.**

2 (a) MISBRANDING.—Section 403 of the Federal  
3 Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amend-  
4 ed by adding at the end the following:

5 “(z) If its container—

6 “(1) is composed, in whole or in part, of  
7 bisphenol A or could release bisphenol A into food;  
8 and

9 “(2) fails to display, in such manner as the Sec-  
10 retary may require, a warning on the label that  
11 states the container is composed, in whole or in part,  
12 of bisphenol A or could release bisphenol A into  
13 food, as applicable.”.

14 (b) APPLICABILITY.—Section 403(z) of the Federal  
15 Food, Drug, and Cosmetic Act, as added by subsection  
16 (a), shall apply only with respect to food that is introduced  
17 or delivered for introduction into interstate commerce on  
18 or after the date that is 6 months after the date of the  
19 enactment of this Act.

○