



United States  
Department of  
Agriculture

Agricultural  
Marketing  
Service

1400 Independence Avenue, S.W.  
Room 2646-S, Mail Stop 0268  
Washington, D.C. 20250-0268

**November 19, 2014**

**MEMORANDUM TO THE NATIONAL ORGANIC STANDARDS BOARD (NOSB)**

**FROM:** Miles McEvoy  
Deputy Administrator  
Agricultural Marketing Service  
National Organic Program (NOP)

**SUBJECT:** Packaging substances used in organic food handling

The NOP would like the NOSB to provide recommendations on the use of Bisphenol A (BPA) and similar substances in the packaging of organic food. The NOSB Handling Subcommittee has submitted a request to review the use of Bisphenol A (BPA) in packaging of organic food. The subcommittee notes that there have been many recent studies describing adverse effects on human health, and increasing consumer awareness and concern about this material.

BPA is an industrial chemical used to make a hard, clear plastic known as polycarbonate, which has been used in many consumer products, including reusable water bottles. BPA is also found in epoxy resins, which act as a protective lining on the inside of metal-based food and beverage cans. These uses of BPA are subject to premarket approval by the Food and Drug Administration (FDA) as indirect food additives or food contact substances. The original approvals were issued under FDA's food additive regulations and date from the 1960s. FDA has performed extensive research on BPA, has reviewed hundreds of other studies, and is continuing to address questions and potential concerns raised by certain studies.<sup>1</sup>

The USDA organic regulations do not specifically address the use of BPA in packaging, however packaging is generally addressed at 7 CFR §205.272.

**§205.272 Commingling and contact with prohibited substance prevention practice standard.**

- (a) The handler of an organic handling operation must implement measures necessary to prevent the commingling of organic and nonorganic products and protect organic products from contact with prohibited substances.
- (b) The following are prohibited for use in the handling of any organically produced agricultural product or ingredient labeled in accordance with subpart D of this part:
  - (1) Packaging materials, and storage containers, or bins that contain a synthetic

<sup>1</sup> <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm064437.htm>



United States  
Department of  
Agriculture

Agricultural  
Marketing  
Service

1400 Independence Avenue, S.W.  
Room 2646-S, Mail Stop 0268  
Washington, D.C. 20250-0268

- fungicide, preservative, or fumigant;
- (2) The use or reuse of any bag or container that has been in contact with any substance in such a manner as to compromise the organic integrity of any organically produced product or ingredient placed in those containers, unless such reusable bag or container has been thoroughly cleaned and poses no risk of contact of the organically produced product or ingredient with the substance used.

The NOP will provide the NOSB with additional information about BPA and similar packaging substances. One recent paper<sup>2</sup> outlines some of the issues with plastic substances that are advertised as BPA-free. The NOP requests that NOSB review the alternatives to BPA as part of their analysis and recommendation. The NOP suggests that NOSB start with a discussion paper that provides a review of current literature, evaluation of current uses in the organic market, availability and suitability of alternatives, and impact of removal of these packaging substances on the organic trade. A Technical Review will be commissioned to assist NOSB with this project. After public comment and review, NOP looks forward to the NOSB recommendations on this topic including any recommendation for regulatory changes to the USDA organic regulations.

The NOP thanks the NOSB for their willingness to evaluate this issue.

---

<sup>2</sup> 2011, Yang, et. al., Env. Health Perspect 119:989-996. <http://ehp.niehs.nih.gov/1003220/>

## United States Senate

WASHINGTON, DC 20510-0504

<http://feinstein.senate.gov>

October 20, 2014

Dr. Jean Richardson  
Chairperson  
National Organic Standards Board  
1400 Independence Avenue, SW  
Mailcode 0202 Room 3521  
Washington, DC 20250

Dear Dr. Richardson:

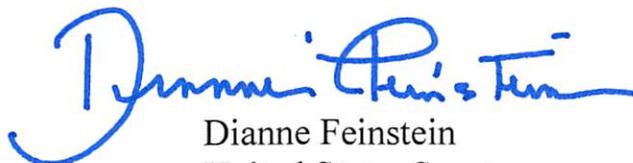
I write to urge the National Organic Standards Board (NOSB) to recommend a ban on Bisphenol A (BPA) in packaging for organic foods and to pursue research on alternative materials at its upcoming meeting on October 28-30, 2014. I have long been concerned about the negative health effects linked to BPA and I am encouraged by the Board's consideration of these recommendations.

I strongly support a ban on BPA in organic foods in light of numerous studies that suggest this endocrine-disrupting chemical (EDC) can cause serious health effects. In a 2013 editorial for *Environmental Health Perspectives*, the Director of the National Institute of Environmental Health Sciences and National Toxicology Program concluded that "the convergence of wildlife, laboratory animal, and epidemiology data suggests a greater role for EDCs in disease, even more than was predicted just 10 years ago." Additionally, a 2014 study from the New York University School of Medicine, published in *Health Affairs*, estimated that BPA exposure was associated with 12,404 cases of childhood obesity and 33,863 cases of newly incident coronary heart disease in a single year, with estimated social costs of \$2.98 billion. In recognition of these risks, at least twelve states have taken action to limit residents' exposure to BPA.

I also believe that research into alternative materials for use in can linings and other packaging must be done if a ban on BPA is to effectively reduce the risk of exposure to other potential EDCs. While the risks of BPA exposure are increasingly concerning, little is known about alternative chemicals often used in BPA-free packaging, such as Bisphenol-S. If organic manufacturers are to develop safe new materials for BPA-free packaging, it is essential that any alternatives be carefully studied to ensure that they will not pose any risk to human health.

I appreciate your diligent review of evidence relating to the safety of BPA. As the NOSB considers whether to recommend a ban on this chemical in organic food packaging, I hope you will continue to carefully consider and weigh the available scientific evidence regarding BPA and its effects on health, particularly for fetuses and children.

Sincerely,

A handwritten signature in blue ink that reads "Dianne Feinstein". The signature is fluid and cursive, with the first name "Dianne" being significantly larger and more prominent than the last name "Feinstein".

Dianne Feinstein  
United States Senator

cc: Members of the National Organic Standards Board  
Administrator Anne Alonzo, Agricultural Marketing Service

DF/nz