



November 2, 2009

Margaret Hamburg, M.D.
Commissioner
Food and Drug Administration
Office of the Commissioner
5600 Fishers Lane, Room 15B45
Rockville, MD 20857

Dear Commissioner Hamburg:

On behalf of Consumers Union, the non-profit publisher of *Consumer Reports* magazine, we wish to alert you to the publication, in our December 2009 issue, of a summary of our test results of Bisphenol A (BPA) in canned foods. This will be publicly available on November 2, 2009. We found measurable levels of BPA in all tested samples of a wide range of canned foods, results we believe will be of interest to the FDA as it reassesses the current BPA safety limits and assumptions regarding potential BPA exposure levels from canned foods. We have attached a detailed spreadsheet of our results, which will also be posted online at www.consumersunion.org.

As we have previously noted in both oral and written testimony before the agency, we are concerned about the potentially high levels of BPA that can be found in canned foods. Our findings only reinforce our strong view that BPA should not be used in food- and beverage-contact applications.

We tested three samples each of 19 canned foods, representing a wide cross-section of the consumer marketplace, in addition to some alternative (non-canned) packaging, to assess the levels of BPA in the foods themselves. Samples were purchased in the New York metropolitan area or online between March 5, 2009 and March 18, 2009. It is important to note that our tests convey a snapshot of the marketplace and do not provide a general conclusion about the levels of BPA in any particular brand or type of product tested. However, the findings are significant in that they indicate that the levels of BPA can vary widely in name-brand canned foods. We found BPA levels in the canned foods ranging from 0.3 parts-per-billion (ppb) to 191 ppb, our sampling of some products showing wide variability across three different lot numbers. For example, the levels of BPA in three samples of Progresso canned vegetable soup, each taken from a different lot number, ranged from 67 ppb to 134 ppb; in the samples of Del Monte canned green beans we tested, levels ranged from 35.9 ppb to 191 ppb; and Campbell's condensed chicken noodle soup samples ranged from 54.5 ppb to 102 ppb.

Based on the average levels we detected across our samples, just one serving of the Progresso vegetable soup or of the Del Monte green beans could easily lead a consumer to exceed the FDA Cumulative Exposure Daily Intake (CEDI) level of 0.185ug/kg-bw/day (the level FDA assumes most people will eat each day). Even more concerning, a single serving, of either the green beans or vegetable soup with the highest level of BPA we detected in a sample, would expose a small child (of 22 lbs) to a level that nears or exceeds those that have been shown to cause harm in animal studies published in the scientific literature (2.4ug/kg-bw/day).

The large body of independent scientific literature also clearly demonstrates reason for concern and the need for public health policy action at this time. We believe that the basis for FDA's safety limit of 50ug/kg-bw/day is outdated and based on a limited number of industry studies with negative results, which have been criticized by many scientists for using insensitive animal models with questionable positive and negative controls.¹ More than 200 other animal studies have since shown adverse health effects from low doses of BPA exposure, and provide ample evidence for establishing a more protective safety limit. We believe that the FDA should include these independent studies in its review of BPA safety. We are pleased that the FDA is currently reassessing the safety of BPA, and we urge the agency to protect consumers by significantly lowering the safety limit for BPA and banning the use of BPA in food- and beverage-contact applications.

In the meantime, we are advising consumers to choose fresh food whenever possible and to lower their consumption of canned foods. We would be glad to schedule a meeting with your senior scientists to discuss our testing and results in more detail.

Sincerely,

Urvashi Rangan, Ph.D. Ami V. Gadhia

Urvashi Rangan, Ph.D.
Director, Technical Policy
Consumers Union of United States, Inc.
Yonkers, N.Y. 10703

Ami V. Gadhia, Esq.
Policy Counsel
Consumers Union of United States, Inc.
Washington, D.C. 20009

¹ Myers JP et al. Why Public Health Agencies Cannot Depend on Good Laboratory Practices as a Criterion for Selecting Data: The Case of Bisphenol A, *Environmental Health Perspectives* Volume 117, Number 3, March 2009.

**Consumers Union
Headquarters Office**
101 Truman Avenue
Yonkers, New York 10703-1057
(914) 378-2029
(914) 378-2992 (fax)

Washington Office
1666 Connecticut Avenue, NW,
Washington, DC 20009-1039
(202) 462-6262 Suite 310
(202) 265-9548 (fax)

West Coast Regional Office
1535 Mission Street
San Francisco, CA 94103-2512
(415) 431-8747
(415) 431-0906 (fax)

South West Regional Office
1300 Guadalupe, Suite 100
Austin, TX 78701-1643
(512) 477-4431
(512) 477-8934 (fax)