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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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April 28, 2008

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The Honorable Nancy A. Nord
Acting Chairman
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Chairman Nord:

According to a draft report from the National Toxicology Program (NTP), an office of the National Institutes of Health (NIH), the chemical bisphenol A (BPA) may pose risks of cancer and other serious disorders to fetuses, infants, and young children. BPA is a compound widely found in plastics, including baby bottles and the linings of cans of nutritional formula.

The NTP's draft report found that there is "some concern" for adverse neural and behavioral effects on fetuses, infants, and young children at current exposures to BPA. Furthermore, the report labeled as "some concern" the risk of prostate and breast cancer from low levels of exposure.¹ Some industry stakeholders have dismissed these findings, because they were based on tests of laboratory animals. Given, however, that a joint study conducted in 2006 by the Environmental Protection Agency and NIH found that BPA's biological mechanism affecting cells and tissues is the same for both animals and humans, the recent NTP draft report raises serious concerns.

Recent press accounts have emphasized the presence of BPA in infant products that are regulated by the Food and Drug Administration. Indeed, the Subcommittee on Oversight and Investigations of the Committee on Energy and Commerce is currently investigating the dangers of BPA in baby products that contain food, such as baby bottles and liners. There has been less focus on the possible presence of BPA in infant and children products, which would come under the jurisdiction of the Consumer Product Safety Commission. Were products such as teething rings, pacifiers, and children's

¹ NTP classifies five levels of concern: Serious Concern, Concern, Some Concern, Minimal Concern, and Negligible Concern.

flatware to contain BPA, they could pose risks of cancer and neurological disorders to infants and young children.

Therefore, we ask that you please respond to the following questions:

1. Has the Commission conducted any investigation or studies to determine if BPA is present in children's products or other consumer products within its jurisdiction? If so, please list the consumer products that contain BPA.
2. Has the Commission or its staff determined whether BPA in those products qualifies as a "hazardous substance" as defined in section 2(f) of the Federal Hazardous Substances Act? If so, what are the findings or conclusions of such determinations, and have they been published?
3. What other actions, if any, has the Commission undertaken to protect the public from, or to inform them about, exposure to BPA?

Thank you for your prompt attention to this matter. If you require further information, please contact Consuela Washington, Judith Bailey, or Christian Tamotsu Fjeld with the Committee on Energy and Commerce staff at (202) 225-2927.

Sincerely,



John D. Dingell
Chairman



Bobby L. Rush
Chairman
Subcommittee on Commerce, Trade,
and Consumer Protection

cc: The Honorable Joe Barton, Ranking Member
Committee on Energy and Commerce

The Honorable Ed Whitfield, Ranking Member
Subcommittee on Commerce, Trade, and Consumer Protection