

Public Affairs & Government Relations

WAL*MART
Save money. Live better.™

Jennifer Spall, Senior Manager
708 SW 8th St.
Bentonville, AR 72716-0350
Phone 425.222.3854
Jennifer.spall@wal-mart.com

March 18, 2009

The Honorable Karen Keiser, Chair
Washington State Senate Health & Long Term Care Committee

Sent via email

Dear Senator Keiser and Members of the Senate Health & Long Term Care Committee:

I am writing to you today to weigh in with technical suggestions to improve 2SHB 1180, relating to the use of bisphenol A (BPA).

Safety is a top priority for Wal-Mart and while the FDA has not established any restriction on the use of bisphenol A (BPA), we have offered a variety of BPA-free products for customers who seek this option. Last year Wal-Mart Stores, Inc. announced that we are expanding our BPA-free offering and expect our entire assortment of baby bottles to be free early this year.

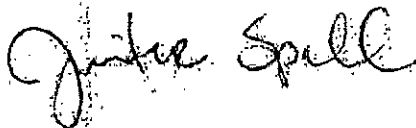
We would like to advocate in favor of the addition of de minimus exception to "BPA free." As there is no definition in the bill, it would be assumed that BPA free is zero, which as the scientific community has testified is an impossible standard to meet.

The European Union has addressed a de minimus standard as part of the Plastics Directive. In 2002 the EU revised the BPA SML to 600 PPB based upon the precautionary PPL. After their 2006 risk assessment, EFSA recommended that the precautionary factor be eliminated and the SML be increased to 3000 PPB (3 PPM).

SML stands for Specific Migration Limit; that is the amount actually migrating into the food not a food simulating solvent. Labs that we work with are concerned with content versus migration limits and the EU's use of food stimulants for migration detection. We would be happy to provide documentation on the EU test method to the Department of Ecology during the rule making phase as guidance.

With this adjustment, we feel that the bill will meet legislative intent while also allowing a clear understanding of products affected and testing standards to be used. Thank you for your consideration and as always, please let me know if you have any questions.

Sincerely,



Jennifer Spall

Jennifer R. Spall, Senior Manager
Public Affairs & Government Relations

cc:

Senator Rosa Franklin, Vice Chair
Senator Cheryl Pflug, Ranking Member
Senator Randi Becker
Senator Darlene Fairley
Senator Chris Marr
Senator Ed Murray
Senator Linda Evans Parlette