

SAFEGUARDS

CONSUMER GOODS AND RETAIL

CONSUMER PRODUCTS

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CALIFORNIA RELISTS BPA UNDER PROP 65

California has recently relisted bisphenol A (BPA) onto the Prop 65 list of chemicals. Businesses have until 11 May 2016 to comply with the 'clear and reasonable warning' requirements.

California Proposition 65 ([Prop 65](#)) is the "Safe Drinking Water and Toxic Enforcement Act of 1986", a ballot initiative passed overwhelmingly by California citizens in 1986. It requires the state to maintain and update a list of chemicals known to cause cancer, birth defects or other reproductive harm. The list was first published in 1987 and has now expanded to more than 800 chemicals.

The aims of Prop 65 are to protect the State's sources of drinking water from toxic chemicals and to reduce or eliminate exposures to these chemicals in consumer products, homes or workplaces. Prop 65 is administered by the Office of Environmental Health Hazard Assessment (OEHHA), part of the California Environmental Protection Agency (EPA).

On 11 April 2013, the OEHHA added [bisphenol A \(BPA\)](#) to the list of chemicals known to the state of California to cause reproductive toxicity for the purpose of Proposition 65 (Prop 65). The chemical BPA was then [delisted](#) on 19 April 2013 as a result of a preliminary injunction pending a final decision.

At a public meeting held on 7 May 2015, the Developmental and Reproductive Toxicant Identification Committee (DARTIC) determined that BPA was able to cause reproductive toxicity. This determination resulted in BPA being incorporated into the [Prop 65 list of chemicals](#) on 11 May 2015.

Once BPA is listed, there are 2 important requirements for companies doing business in California:

- Businesses have until 11 May 2016 (12 months) to provide a 'clear and reasonable warning' before knowingly and intentionally exposing anyone to BPA
- Businesses have until 11 January 2017 (20 months) to prohibit the discharge of BPA into sources of drinking water

Highlights of the listing of BPA are summarized in Table 1.



TABLE 1.

SUBSTANCE	DATE LISTED	TOXICOLOGICAL ENDPOINT	ENFORCEMENT DATE	
			BPA (CAS 80-05-7)	11 May 2015
			11 May 2016	11 January 2017

Throughout our global network of laboratories, we are able to provide a range of services, including analytical testing and consultancy, for BPA and other restricted substances in consumer products for California and international markets. Please do not hesitate to contact us for further information.



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