



The Status of Bisphenol A under Proposition 65

March 2008

The North American Metal Packaging Alliance, Inc. (NAMPA) is aware that there has been significant interest in, and confusion about, the status of Bisphenol A (BPA) under Proposition 65 (the Safe Drinking Water and Toxic Enforcement Act of 1986). BPA is **not** listed under Proposition 65 as a substance known to the State of California to cause cancer or reproductive or developmental toxicity. This briefing paper summarizes the status of BPA under Proposition 65.

OEHHA Activities

The Office of Environmental Health Hazard Assessment (OEHHA) is the California agency charged with implementing Proposition 65. Chemicals may be added to Proposition 65 by the State's Qualified Experts, including OEHHA's Developmental and Reproductive Toxicant Identification Committee (DARTIC). At its December 10, 2007, meeting, DARTIC recommended that OEHHA prepare hazard identification materials for eight chemicals, including BPA. It is not unusual for high profile substances such as BPA to be considered for Proposition 65 listing, and the December 2007 action is the first step in a lengthy administrative process that is designed to assess whether a particular substance should be listed under Proposition 65.

On January 18, 2008, OEHHA announced a 60-day data call-in for information relevant to the assessment of the evidence of the developmental and reproductive toxicity of BPA. OEHHA will review and consider information received during the data call-in period as it prepares the hazard identification materials. On March 11, 2008, OEHHA announced that the comment period has been extended and comments are now due **April 17, 2008**.

Once OEHHA has prepared hazard identification materials on BPA, it will announce their availability and the time, date, location, and agenda of the DARTIC meeting where BPA would be considered. OEHHA typically makes the hazard identification materials available for a 60-day comment period prior to the DARTIC meeting at which the chemical will be considered. According to a January 11, 2008, notice, OEHHA anticipates presenting hazard identification materials for some or all of five chemicals, which include BPA, to the DARTIC at a meeting tentatively planned for **late summer 2008**. OEHHA will organize and index the comments received and forward the information to the DARTIC members prior to the meeting.

During the DARTIC meeting, the members will review the public comments and OEHHA hazard identification materials and determine whether BPA should be listed as a developmental and reproductive toxicant.



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If DARTIC decides BPA should be listed under Proposition 65, OEHHA will publish a revised list of Proposition 65 chemicals. If DARTIC decides not to list BPA, OEHHA will publish a notice announcing its decision. The Proposition 65 requirements pertinent to warning and labeling would be effective one year after the listing determination is published.

What Is NAMPA Doing?

NAMPA is working closely with its members and other interested parties in monitoring the Proposition 65 rulemaking initiative. NAMPA will work hard with its downstream customers to ensure OEHHA is provided timely and accurate information to ensure its rulemaking efforts are scientifically grounded and balanced. If you have questions about NAMPA, or seek additional information about this issue, contact NAMPA at info@metal-pack.org or (866) 522-0959.