

ISSUE BRIEF | Bisphenol A (BPA) and California Proposition 65

April 18, 2018

What is the issue?

The topic of Bisphenol A (BPA) continues to be of importance across the industry, especially for member companies that manufacture items sold to consumers, such as smallwares, ice bins, etc. BPA is on the California Office of Environmental Health Hazard Assessment's [list of chemicals](#) "known to the State to cause reproductive toxicity for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986," otherwise known as California Proposition 65.

How does this impact my business?

NAFEM members are reminded that they must label *consumer* products with BPA and any of the other [materials on the list](#), or provide a report explaining why you believe a warning label is not required.

Members are responsible for identifying BPA and any of the other chemicals on the list used in their consumer-facing products. For example, polycarbonate plastics might use BPA as a strengthener. Members should confirm any use of BPA, even trace levels, and complete the due diligence to show how the end user will not come in contact with enough BPA to cause harm. Testing companies, such as CSA Group, ETL/Intertek, NSF and UL, can help identify the presence and levels of BPA.

Is this a Federal, State or Local issue?

This is mostly a state issue – 13 states, including California, have placed varying restrictions on BPA. The U.S. Food and Drug Administration and other countries, including Canada, have also enacted legislation to restrict the use of BPA in certain products.

What organization implemented this specific change?

This is a State of California regulation informed by its Office of Environmental Health Hazard Assessment (OEHHA). The OEHHA's mission is to protect and enhance public health and the environment by scientific evaluation of risks posed by hazardous substances.

What is NAFEM doing to address this issue?

NAFEM continues to monitor the situation and make its members aware of the labeling laws surrounding Prop 65.

Who should I contact with questions?

For more information, contact [OEHHA](#) with questions via email at P65.Questions@oehha.ca.gov or by phone at +1.916.445.6900. Members can also contact Charlie Souhrada, CFSP, NAFEM vice president, regulatory & technical affairs: csouhrada@nafem.org or 312.821.0212.