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Dear Members of Environmental and Public Health Organizations:

Thank you for your letter of May 13, 2010, responding to the Request for Relevant Information on the possible listing of bisphenol A (BPA) under Proposition 65 (California Health and Safety Code section 25249.5 et seq.). BPA is a candidate for listing as known to cause reproductive toxicity. The potential listing would be by the authoritative bodies' provision of Proposition 65 (Health and Safety Code section 25249.8(b)), based on findings...
by the National Toxicology Program (NTP). NTP made its findings in a report by the NTP Center for the Evaluation of Risks to Human Reproduction that BPA causes developmental toxicity at “high” doses (NTP-CERHR Monograph on the Potential Human Reproductive and Developmental Effects of Bisphenol A. NIH Publication No. 08 – 5994).

You note that there have been a number of additional studies published in the peer-reviewed scientific literature that demonstrate harm from low doses of BPA. OEHHA acknowledges the large amount of work undertaken to understand the toxicity of BPA. However, the proposed authoritative body listing is based on NTP conclusions regarding clear evidence of developmental toxicity at “high” doses of BPA. We acknowledge your concern for low-dose effects, and that there have been a number of studies generated since the release of the NTP report. Since NTP did not consider this evidence, however, OEHHA has not reviewed it in support of the authoritative body listing since it falls outside of the administrative record for the action by the authoritative body.

You also note activities of regulatory agencies in the United States to address concerns regarding BPA, and provide as examples some actions of the U.S. Food and Drug Administration and the U.S. Environmental Protection Agency. These entities are Proposition 65 authoritative bodies and scientific findings they make are directly relevant to adding BPA to the Proposition 65 list. OEHHA is following and will continue to follow the efforts of these organizations in their characterization of the hazards of BPA.

After review of all the submissions received in response to the Request for Relevant Information, OEHHA has determined that BPA meets the criteria for listing under the authoritative bodies provision of Proposition 65. Accordingly, a Notice of Intent to List BPA will be published on the OEHHA website at www.oehha.ca.gov and in the California Regulatory Notice Register in the near future. Following its publication, there will be a 30-day public comment period regarding the proposed listing.

Comments should focus on whether or not the criteria for listing the chemical under Proposition 65 have been met (Title 27, Cal. Code of Regulations, section 25306). In the event that OEHHA finds the criteria have not been met after review of the comments, the chemical will be referred to the Developmental and Reproductive Toxicant Identification Committee (DARTIC) for its consideration as required by regulation (Title 27, Cal. Code of Regulations, section 25306 (i)).

Thank you for your interest in Proposition 65. If you have any questions or concerns, please contact me at (916) 322-6325 or by email at Lauren.Zeise@oehha.ca.gov.

Sincerely,

Lauren Zeise, Ph.D.
Deputy Director for Scientific Affairs