

CALIFORNIA EXTENDS PROP. 65 POINT-OF-SALE WARNING FOR BPA FOR BUSINESSES THAT REPORT FOOD AND BEVERAGE PRODUCT INFORMATION

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California's Office of Environmental Health Hazard Assessment (OEHHA) has extended for another year the regulation allowing businesses to provide a Prop. 65 point-of-sale warning for bisphenol A (BPA) in canned and bottled food and beverage products.

In order to rely on the point-of-sale warning for another year, however, businesses must provide information to OEHHA concerning any such products where BPA has been intentionally added.

The requested information includes the brand name, product description, FDA product category, and UPC code or other specific information. Where bisphenol A is no longer used in the product but the product is still available in commerce, the last expiration or "use by" date should be given. The information can be provided in a form or template on OEHHA's website by clicking [here](#).

The regulation allows businesses to rely on the point-of-sale warning through December 30, 2017. After that date, businesses will need to sell products that comply with the Prop. 65 limit for BPA or use more conventional shelf or product label warnings.

The safe harbor exposure level for BPA is no more than 3 micrograms per day for dermal exposure. No safe harbor level has been established for exposure from ingestion.

Since the warning requirement for BPA took effect in May 2016, thirteen 60-day notices of violation have been served, alleging exposure from receipt paper; polycarbonate water cooler jugs; and polycarbonate glasses, cocktail shakers, measuring cups and serving bowls. None of those notices has yet resulted in a settlement agreement or consent judgment.

RELATED PRACTICE AREAS

- Food & Agribusiness

MEET THE TEAM



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