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**Subject:** BPA MADL  
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March 27, 2013

Consumers Union, the Advocacy and Policy arm of *Consumer Reports* appreciates the opportunity to make comment and strongly supports the listing of bisphenol-A (BPA) on the Proposition 65 list of known reproductive toxins to the state of California.

BPA was originally introduced in the 1930's as an artificial estrogen(2). It was also used as a pharmaceutical hormone for a period of time (3). BPA's use gained popularity in the plastics industry in the United States and was eventually grandfathered as "generally recognized as safe" (GRAS) by the FDA in 1976, along with 62,000 other chemicals. Since then hundred of studies have been published showing a wide range of adverse effects in animals and in some cases humans at low doses --doses that approximate current levels circulating in the human population. In fact, the safety of BPA, at current exposure levels in the US population, has not been demonstrated. BPA has a fast clearance rate (people should excrete it within a few days) and yet it is found in the urine of more than 90% of the US population.

We are very concerned about the lack of a proper margin of safety between BPA levels we know to cause harm in animals and those levels found in people. The FDA NOAEL (no observable adverse effect level) of 5mg/kg/d, used as the basis for FDA's current safety limit is sorely outdated and primarily based only on a few large dose studies. These factors raise legitimate questions about the safety of BPA that at the very least warrant caution labeling on products under Proposition 65.

Hundreds of independent, peer-reviewed studies in animals have linked BPA to a wide array of adverse effects (4). In 2007, a meeting of 38 of the world's leading scientific experts on BPA was convened by the National Institutes of Health. (NIH).. They issued a consensus document stating 95 percent of Americans have BPA exposure within the range that is predicted to be biologically active based on animal studies. They cited several studies of adverse health effects in animals exposed to low doses of BPA --effects consistent with recent trends in human disease, such as increases in prostate and breast cancer, uro-genital abnormalities in male babies, a decline in semen quality in men, early onset of puberty in girls, metabolic disorders including insulin resistant (type 2) diabetes and obesity, and neurobehavioral problems such as attention deficit hyperactivity disorder (ADHD) (5). Many of these concerns are echoed by the US National Toxicology Program and the Endocrine Society.

The 2008-2009 Annual Report from the President's Cancer Panel found the "true

burden of environmentally induced cancer has been grossly underestimated. With nearly 80,000 chemicals on the market in the United States, many of which are used by millions of Americans in their daily lives and are understudied and largely unregulated, exposure to potential environmental carcinogens is widespread. One such ubiquitous chemical, bisphenol A, is still found in many consumer products and remains unregulated in the United States, despite the growing link between BPA and several diseases, including various cancers.” (6) Consumers Union has a long history on BPA. We were one of the first organizations to test consumer products for BPA and published our findings on BPA in baby bottles a decade ago. We warned consumers then about the potential risks. (7)

In recent years, we have tested canned goods for BPA, as well as the “BPA-free” claims on bottles<sup>8</sup> and have also published advice on how consumers can reduce their direct exposure to BPA (9) (10). We have supported legislation proposed at the state and federal levels to ban BPA from children's products and food and beverage containers (11). In fact, Consumers Union believes that BPA should not be used in any food contact substances and has made that position clear in our reporting and testimony to the FDA.

We share this history with you to underscore our deep support for the establishment of an MADL for BPA on Proposition 65. We believe the MADL is not conservative enough, but we strongly support BPA's listing.

Sincerely,

Urvashi Rangan, Ph.D.

Director, Consumer Safety and Sustainability

Consumers Union, policy arm of the non-profit *Consumer Reports*

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