April 16, 2015

Ms. Monet Vela
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-58D
Sacramento, CA 95812-4010
via email: P65Public.Comments@oehha.ca.gov

RE: Proposed listing of Bisphenol-A under Proposition 65 due to female reproductive toxicity

Dear Ms. Vela,

The California Dental Association (CDA) appreciates the opportunity to comment based on the Office of Environmental Health Hazard Assessment's (OEHHA) February 20, 2015 announcement regarding the possible listing of Bisphenol A (BPA) causing female reproductive toxicity.

CDA supports over 26,000 dental health professionals in their practices and service to the public through innovation in education, advocacy and related programs. CDA is the recognized leader for excellence in promoting oral health in California.

As a champion of oral health, CDA supports the use of sealants and other products to prevent and treat dental caries. Most brands of dental sealants are no longer made with BPA, and do not cause exposures that would require a warning. However, if BPA is listed, dentists will choose to provide warnings in order to avoid baseless litigation. These warnings will promote misinformation about sealants and could discourage Californians, especially pregnant women, from obtaining necessary, proper dental care. Reductions in sealant use would undermine state and federal goals for improving oral health.

As the Court of Appeal for the Second District made clear in *Nicolle-Wagner v. Deukmejian* (1991) 230 Cal.App.3d 652, OEHHA is authorized to take regulatory action that promotes the purposes of Proposition 65 by protecting businesses and the public from proliferating and unnecessary warnings.

California Dental Association
1201 K Street, 14th Floor
Sacramento, CA 95814

916.443.0505
800.232.7645
916.443.2943 fax
cda.org

Review of the Hazardous Information Materials provided to the Developmental and Reproductive Toxicant Identification Committee (DARTIC) do not warrant the unnecessary warning of addition of BPA to the Proposition 65 listing.

As stated in the Environmental Health Perspectives' review, *Bisphenol A and Reproductive Health: Update of Experimental and Human Evidence, 2007–2013*, this report concludes "the widespread effects of BPA in experimental animal studies are a concern for overall human health and may be *(emphasis added)* involved in human reproductive disease….These conclusions, however, are not to be considered definitive without further investigation, especially with the gaps in clear results detailed throughout the review."

Additionally, the U.S. Food and Drug Administration's (FDA) National Center for Toxicological Research (NCTR) have been conducting in-depth studies of BPA since September 2008, when a report by the NIEHS and NTP called for more research into the potential toxic effects of BPA on fetuses, infants and children. The NCTR's findings indicate that the level of BPA from food that could be passed from pregnant mothers to the fetus is so low that it could not be measured.

Additionally, NCTR researchers report that they were able to build mathematical models of what happens to BPA once it's in the human body. These models showed that BPA is rapidly metabolized and eliminated through feces and urine. They found that BPA is "exactly the opposite" from some other toxins, like dioxin, that can stay in the body's tissues for months or even years.

The center's toxicology research has not found evidence of BPA toxicity at low doses in rodent studies, including doses that are still above human exposure levels.

For all these reasons, CDA urges OEHHA to determine that BPA is not known to cause reproductive toxicity, and to exercise its discretion and refrain from including BPA on the proposed listing.

Sincerely,

Alison P. Sandman
General Counsel