

**American Association on Intellectual and Developmental Disabilities \* Asian Communities for Reproductive Justice \* Breast Cancer Action \* Breast Cancer Fund \* California Women's Foundation \* Center for Health Environment and Justice \* Citizens' Environmental Coalition \* Clean New York \* Clean Water Action \* Coalition for a Clean and Healthy Connecticut \* Empire State Consumer Project \* Environment California \* Environment Illinois \* Environmental Health Fund \* Environmental Health Strategy Center \* For a Better Bronx \* Great Neck Breast Cancer Coalition \* Healthy Building Network \* Healthy Child Healthy World \* Huntington Breast Cancer Action Coalition \* International Campaign for Justice in Bhopal \* Learning Disabilities Association, Minnesota \* MomsRising \* Phillip R. Lee Institute for Health Policy Studies \* Physicians for Social Responsibility, Los Angeles \* Planned Parenthood Mar Monte \* Search for the Cause \* Sierra Club Atlantic Chapter \* Silicon Valley Toxics Coalition \* SisterSong \* U.S. Public Interest Research Group (PIRG) \* Vermont Public Interest Research Group \* WORKSAFE**

June 30, 2009

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Dear Dr. Burk and members of the DART Identification Committee:

Thank you for giving us the opportunity to provide comments to you regarding bisphenol A. As organizations that represent mothers, environmental health groups, public health organizations and workers, we are pleased that the DARTIC is taking a thorough look at this chemical and urge the committee to consider the weight of the evidence presented and list this dangerous chemical as a developmental and reproductive toxicant under Proposition 65.

We appreciate that you will be evaluating the science on this matter and agree that science should dictate this decision, rather than politics. However, with the politicization of science that has occurred on this issue, it is impossible to separate the scientific inquiry from the historical and political context.

As you know, scientists have known since at least the 1930s of BPA's ability to interfere with hormones. It was developed to be one of the first synthetic estrogens but shelved for pharmacological use in favor of the more potent DES (diethylstilbestrol). However, polymer scientists began to use BPA in consumer products as early as the 1950s. Today, BPA is one of the most pervasive chemicals in modern life with an annual national production exceeding two billion pounds.

Over 200 studies have demonstrated the harm that comes from extremely low doses of BPA. All of these studies have been peer reviewed and demonstrate clear harm. Despite the clear and compelling evidence, many regulatory agencies worldwide have been reluctant to take action, a fact that the chemical industry and product manufacturers will likely use as evidence to this committee as an excuse not to take action. However, it is important to understand the context in which these decisions have been made and to understand the evidence used to keep this dangerous chemical on the market.

The case of BPA is reminiscent of the tobacco industry's campaign to deny the health hazards of smoking. For years, state agencies and scientific bodies were unsure about how to act on tobacco due to the "dueling

science” that confronted decision makers. We now know that much of the science demonstrating no adverse effect from tobacco products was produced by the tobacco industry as a way to manufacture doubt in regulators’ minds long enough to sell their product for a little while longer.

We are seeing the same scenario play out with BPA. Time and again, industry declares that they cannot replicate the findings of the independent scientists’ studies and states that the chemical is safe. But further examination of their studies show serious flaws such as using rats that are predisposed to not be affected by synthetic estrogens or feeding the animals a diet that would mask the effects of BPA or even, as in the case of a recent study by Rebecca Tyl, downplaying the results of data clearly demonstrating an effect.

Too often, we give chemicals the same rights as people—demanding that we have absolute certainty of harm beyond all doubt, rather than relying on credible evidence of harm to take action. As a result, doubt is often manufactured through industry funded studies and inconsistencies in outcome from government funded studies are used as an excuse to not take action.

In 2008, the US Food and Drug Administration released its latest assessment of BPA declaring that the levels used in food products were safe. However, this assessment was based largely on two studies that were funded by the plastics industry. The panel ignored or dismissed other studies that clearly demonstrated the toxicity of this chemical. This assessment was so poorly done that the FDA’s own science board criticized the assessment for ignoring all of the evidence and demanded that another assessment be conducted considering all of the evidence. In the more than 6 months since the science board released their criticism, the FDA has dragged their feet and so far, no assessment has been done.

In 2008, the European Food Safety Authority also assessed BPA and concluded that it was safe for use as a food additive but this assessment was also seriously flawed. It was based on a then unpublished, plastics industry-funded study. Furthermore, the panel did not invite experts on low dose BPA effects or even endocrine disruptors to provide their opinion.

While many panels have not been thorough in their assessment, there is growing scientific consensus that BPA is harmful. The Canadian Health Ministry recently listed it as a toxic substance and has banned its use in baby bottles and has announced its plans to regulate BPA in food and formula containers. In addition, the National Toxicology Program and a panel of 38 scientists convened by the National Institute of Health have both declared their concerns about the harmful effects of exposure to BPA.

The job of the government is to protect public health. Your role in protecting public health is to determine if there is enough evidence to warrant informing the public of a risk to their health. The science is in and the evidence is clear. Public health, particularly the health of fetuses, infants and children is compromised by exposure to BPA. We urge the committee to use the evidence before it and not be swayed by industry tactics or their manufactured doubt.

We look forward to the hearing on July 15 and eagerly await your decision.

Sincerely,

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