

## Vela, Monet@OEHHA

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**To:** Vela, Monet@OEHHA  
**Subject:** FW: BPA and Prop 65

**From:** Alexis Gossage [<mailto:gossage.alexis@gmail.com>]  
**Sent:** Wednesday, September 14, 2016 10:09 AM  
**To:** P65Public Comments <[P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov)>  
**Subject:** BPA and Prop 65

To: The Honorable Edmund G. Brown Jr.  
Governor of California  
State Capitol Building  
Sacramento, California 95814

From: The Food Mill, Inc.

Date: September 13th, 2016

California has long been a leader in promoting the global marketplace for safer products and healthier business practices. We also lead the world in health protections for our children and families. We are writing to oppose the proposed regulation related to Bisphenol-A (BPA) warning requirements. We ask that as a matter of public health and safety to require product specific BPA warnings that are consistent with California law.

The Safe Drinking Water and Toxic Enforcement Act, also known as Proposition 65, was adopted overwhelmingly by California voters in 1986. The law protects Californians from chemicals that can cause cancer or serious reproductive health problems.

Because of Proposition 65's success as one of the nation's first Right to Know laws, we are deeply concerned with the Office of Environmental Health Hazard Assessment's (OEHHA) emergency action to amend Section 25603.3 Title 27, California Code of Regulations for warnings for exposures to Bisphenol A (BPA) – a known reproductive toxicant- from canned and bottled food and beverages. **The proposed regulation would undermine consumer's Right to Know about chemical exposures, and make it difficult for consumers to protect themselves from toxic BPA exposure.**

The proposed regulation would be bad for our businesses and harmful for my customers and their children and families. Businesses who put their customers first know that consumers deserve to know what is in their food. They care about what they put in their bodies and they trust us. If we don't have the tools and information to be fully transparent with our customers, that bond is compromised.

This new proposal puts us in the awkward position of denying our customers information they need to make informed choices in the store. The state says that a small sign at the cash register, indicating that "some" canned foods may expose them to BPA, is good enough — despite the legal requirement under Prop. 65 that consumers are given "clear and reasonable" warnings when products can expose them to this toxic chemical.

Obviously, this sign does not provide consumers with the accurate information that the law intends. Without labels on the specific canned foods that expose them to BPA, consumers and our staff cannot know which cans "may" or "may not" contain the chemical. This is a common question for our staff members and one that has become very challenging to answer accurately.

Consumers should know when companies are doing the right thing by eliminating harmful chemicals. Yet the state's proposal continues to allow companies to market their BPA-containing cans side-by-side with safer canned foods that no longer contain the chemical — with no way for consumers to know the difference.

Our business and so many others are doing our best to make healthy choices to not use toxic chemicals in our products. We know that the growing demand by consumers in California and worldwide are creating market opportunities for California businesses like ours, and creating good jobs for California workers. Prop 65 has promoted innovation and growth in the business communities that enable us to all live in a healthy more sustainable environment.

For these and other reasons, we respectfully oppose the proposed BPA regulation. On behalf of The Food Mill, we urge you to stop the 6 month extension of the BPA emergency regulation.

Sincerely,

Alexis Gossage  
General Manager