

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
PROPOSITION 65**

**TITLE 27, CALIFORNIA CODE OF REGULATIONS, SECTION 25603.3
WARNINGS FOR EXPOSURES TO BISPHENOL A
FROM CANNED AND BOTTLED FOODS AND BEVERAGES**

NOTICE OF ADOPTION

DECEMBER 2, 2016

On November 30, 2016, the Office of Administrative Law approved the Certificate of Compliance for the regular rulemaking to replace the emergency regulations currently in effect in Title 27, California Code of Regulations section 25603.3 (f) and (g). This regulatory action maintains the language from the emergency regulation filed in April 2016, with some changes and additions.

The emergency regulation is still effective until December 31, 2016. This regular rulemaking becomes effective January 1, 2017 and remains in effect until December 30, 2017. After that date, businesses will need to provide warnings pursuant to the more general provisions of subsections 25603.3 (a) through (e) of the regulations.

This regular rulemaking differs from the emergency rulemaking primarily in that it adds a new subsection (f)(1)(A)2. This new provision requires businesses that choose to provide the safe harbor point-of-sale warning for BPA exposures from canned and bottled foods to give the Office of Environmental Health Hazard Assessment (OEHHA) a list of the products covered by the warning where BPA was intentionally used in the manufacture of the can lining or jar or bottle seals. OEHHA will post guidance concerning how to comply with these new provisions within the next several days.

The regulatory text and the supporting rulemaking documents are available at the following links:

Notice of Proposed Rulemaking

Initial Statement of Reasons

Final Statement of Reasons

Final Adopted Regulatory Text

Notice to Interested Parties

Link to BPA products database

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