



For Businesses: Frequently Asked Questions Proposition 65 and Bisphenol A (BPA)

When does the warning requirement for BPA take effect?

The warning requirement took effect May 11, 2016.

How do I know if I need to provide a warning?

Warnings for bisphenol A (BPA) exposures in California are required if a business causes an exposure to the chemical, unless the person causing the exposure can show that the exposure is 1,000 times below the “[no observable effect level](#),” which is sometimes referred to as a safe harbor level.

Does the warning requirement apply to my product? What is the definition of exposure?

The warning requirement applies to exposures, not product categories. If an exposure to BPA occurs at high enough levels, then a warning would be required.

[Expose is defined in regulations](#) as “to cause to ingest, inhale, contact via body surfaces or otherwise come into contact with a listed chemical. An individual may come into contact with a chemical through water, air, food, consumer products and any other environmental exposure as well as occupational exposures.”

How do I calculate exposures from my products?

You should consult with a qualified toxicologist to determine the best approach for your situation. OEHHA has adopted regulations that address [some aspects of the exposure assessment](#).

What do I need to know about the regulations for canned and bottled foods and beverages? Do I have to use the warning provided in the regulations?

The regulations temporarily provide an option for businesses to provide a compliant warning about BPA exposures from canned and bottled foods and beverages at the point of sale of the product, which is generally at or near the cash register. The regulation does not require anyone to use this method of warning but it allows a business to do so if the retailer posts the warning message set out in the regulation on a 5 inch x 5 inch sign. We have a [sample sign](#) available on our website. Businesses are free to download, print and post this warning if they wish.

The regulation requires food product manufacturers, producers, packagers, importers or distributors of canned foods and beverages who wish to use a point of sale warning for their products to provide retailers with notice that a warning is required and provide the

retailer with sufficient signage for the facility. You should contact your suppliers to ask whether the products you are selling for them require a warning. If so, they should provide you with the necessary signage. Otherwise, you can post the sign that is available on our website. Some product manufacturers may choose to put warnings directly on the product label. For a retailer selling only these products, a point of sale sign would not be necessary, but can still be used.

How long is the regulation allowing for point-of-sale warnings for canned and bottled foods and beverages in effect?

This regulation is effective until December 30, 2017. After that date, either the [existing warning methods and content](#) or the [new Proposition 65 warning methods](#) and content can be used until August 30, 2018 to provide warnings that are deemed in regulation to comply with Proposition 65. After August 30, 2018, only the new Proposition 65 warning methods and content will be in effect. For further information on the new warning regulations click [here](#).

Does the warning for canned and bottled foods and beverages need to be provided in other languages?

Although this is not required, we encourage businesses to provide this information in other languages widely used by Californians. Alternative language translations are available [here](#).

I need to provide a warning for BPA exposure for something other than canned and bottled foods and beverages. What should it say?

Proposition 65 requires businesses to provide a "clear and reasonable" warning before knowingly and intentionally exposing anyone to a listed chemical. Guidance for providing a clear and reasonable warning is available in our [warning regulations](#). Warnings can be given by a variety of means, as described in the regulations.