

MEMORANDUM TO: The Vision Council Members

FROM: Rick Van Arnam, Esq.  
Regulatory Counsel, The Vision Council

DATE: May 12, 2015

RE: BpA Added to Prop 65 List

On May 11, 2015, the State of California relisted Bisphenol A (BpA) on its Proposition 65 (Prop 65) list of substances known to the state to cause cancer, birth defects or reproductive toxicity. The state took this new action notwithstanding the continued existence of a lawsuit brought by the American Chemistry Council and others to enjoin the state's first attempt to list BpA.

The chemical is of note to members of the optical industry because it is used as a starting material in the manufacture of polycarbonate.

The Prop 65 warning requirement for BpA takes effect one year after the chemical is added to the list. Thus, companies will now have until May 11, 2016 to determine if their products sold in California contain BpA, or if their California work places will expose employees to BpA.

[The Vision Council](#) is in the process of reviewing the new listing, especially to determine whether or not the state is providing a safe harbor level for BpA. Chemical exposures above the safe harbor level trigger a Prop 65 warning, and when the state first added BpA to its list - which action led to the law suit discussed above - a safe harbor level was provided, and this level was above the level in which most people would encounter in a product. The Vision Council believes that a similar safe harbor level would benefit its members and other members of the optical industry.

Visit [The Vision Council's website](#) to learn more about California Prop 65, and contact [Rick Van Arnam](#), The Vision Council Regulatory Council, or [Jason McElvaney](#), The Vision Council Government and Regulatory Affairs Liaison, with any questions. Updates will be distributed to members of The Vision Council as more information becomes available.