

Californians Aren't Concerned About BPA – And They're Right



By Hank Campbell — August 16, 2016



California's Safe Drinking Water and Toxic Enforcement Act, commonly called Proposition 65, was enacted by popular vote in 1986. It was initially sold as a way to prevent cancer and birth defects due to chemicals in drinking water and therefore got an overwhelmingly favorable response. Who isn't in favor of clean water? **(1)**

Yet unmentioned by most at that time was that the voter referendum turned California science over to political appointees, who have final authority to make decisions on warning labels. In the last 30 years, despite a lot of strange listings and too many nuisance lawsuits to count, few decisions have been as bizarre as their desire to label BPA as a health hazard even though every national science organization has shown otherwise.

If you aren't familiar with it by now, bisphenol A (BPA) is an industrial chemical in plastic. Though it has been around for 125 years, it only became key in the 1960s as more families had dual-incomes and spent less time "canning" in glass jars and bought more canned goods. If you haven't gotten food poisoning from a metal can, that is thanks to BPA. Yet all of its food safety goodwill was wiped away in the 2000s by anti-science activists who invoked their go-to scare tactic in the 21st century – vaguely-defined endocrine disruption.

If you care about your babies, new mothers were told, you can't have BPA in bottles. It can be *detected*.

No group is as conservative as brand new moms and the environmental public relations campaign against BPA worked. Baffled chemical company marketing departments trotted out scientists and APCO or some other PR agency distributed them talking about how BPA was not known to be harmful, while environmentalists got other moms to talk about the values issue of protecting kids

from profiteers in large companies.

Due to environmental claims and resulting public worry, the US Food and Drug Administration completed a four-year, 300 study analysis of BPA [in 2014](#) [1]. They found no reason for concern. In rodent studies, BPA passed from pregnant mothers to unborn offspring was so low it couldn't be measured **(2)**, even though they were given up to 1,000 times more BPA than humans are exposed to through food. BPA was also rapidly metabolized and excreted in rats. In primates (which includes us), BPA is metabolized and excreted far more rapidly and efficiently than in rodents. Basically, it isn't doing anything.

That's a terrible way to talk about food safety, though. Especially when the opposition "moves the goalpost" and claims that even very low doses over time will disrupt hormones. On their side is the very science and technology they hate. In 2016, we can detect a lot, sometimes even in parts per quadrillion. **(3)** That means almost everything can be termed an endocrine disruptor.

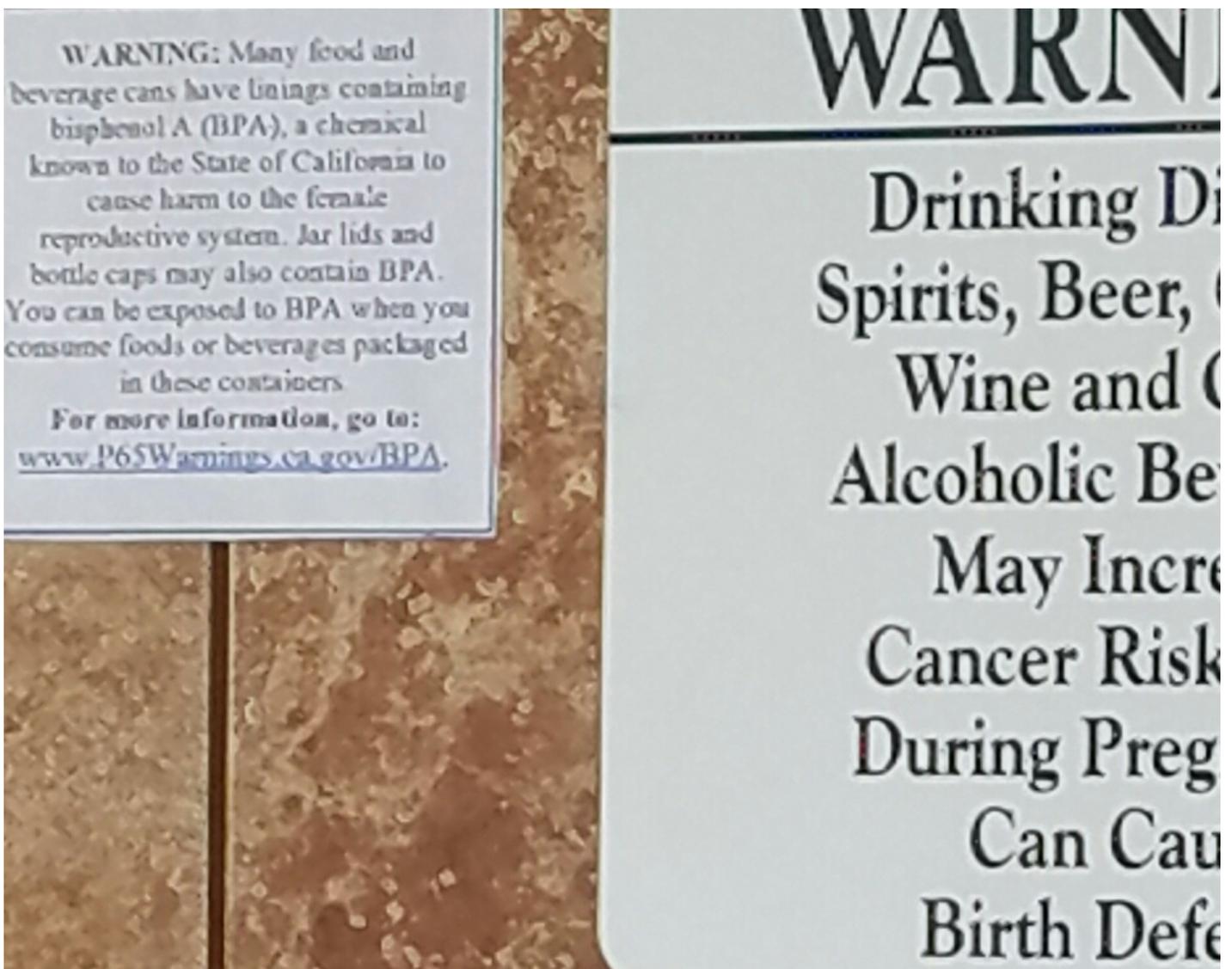
So FDA had no reason for concern, 300 high-quality studies showed no reason for concern, and yet California still gave it a warning label under Prop 65. How is that possible? California does not actually require science. Though they routinely invoke outside bodies, like the U.S. Environmental Protection Agency and the U.N.'s International Agency for Research on Cancer, it isn't necessary. Two of the four methods for inclusion under Prop 65 allow California committees to just make their own determination, a "patchwork" scientific method that has led to a great deal of distrust among the public since 1986. [Who chooses membership of the committees](#) [2] that can place something on the Prop 65 list without any toxicological validity? The governor of the state, meaning it is unfailingly political.

And irrelevant. When everything from book covers to floating lounge chairs in your pool to coffee has a warning label, people stop paying attention.

If you are a reader of the American Council on Science and Health, you recognize that voting on science is a bad thing and doesn't protect anyone. **(4)** People now often vigorously object to laws regulating science because Prop 65 has shown they're hard to undo. Or even modify.

Assemblyman Brian Jones (R-Santee) introduced Assembly Bill 1252 during the last legislative session. It proposed giving small businesses two weeks to fix Prop 65 label violations before lawsuits can be filed. Despite that being a modest change to prevent nuisance lawsuits, it died in committee. **(5)**

While environmentalists, and the lawyers who have made millions suing under it, are happy Prop 65 is still around, to the public it is something of a joke.



Taken in Folsom, California. Credit: Hank Campbell

Two things led the public in California to recently wonder if enough is finally enough: IARC, one of the bodies designated to automatically incur inclusion under Prop 65, declared sausage as hazardous to our health as cigarettes, plutonium and asbestos, meaning any red meat would now require a warning label – California was going to have to put it on the Prop 65 list and look ridiculous. And on May 11, 2015, products containing BPA were required to carry a warning label despite any evidence it could be harmful to any creature except rats with tubes of the stuff being injected directly into their stomachs.

Like IARC, who backed off on declaring coffee a carcinogen after losing credibility by assuring us that bacon causes cancer, the California Office of Environmental Health Hazard Assessment knew they were on the verge of causing a new ballot initiative – one that would get rid of Prop 65 completely – because they had finally suspended disbelief among consumers that their work was anything but environmental lobbying disguised as legislative fiat. To try and head off political disaster, on April 18, 2016, [OEHHA implemented an emergency regulation for BPA, extending the 'safe harbor' for existing products until December 30, 2017](#) [3].

[Coastal anti-science activists went to war yet again](#) [4], fomenting paranoia that California government was allowing “BPA-tainted products” to be sold without warning labels, but they have

panicked because they really know it was an effort by OEHHA to maintain some credibility. California scientists were stuck wondering why a product can survive every metric for safety – and even be arguably the most thoroughly tested chemical in use – yet still require a warning label.

All this, without really having an alternative that is known to be safer. It's good for environmentalists if companies roll out a new untested product – Natural Resources Defense Council, Center for Science in the Public Interest, and all the other vested groups get to declare victory about the old one and then have a new chemical to demonize – but it is only increasing costs for consumers. **(6)** Poor people always pay for these fake environmental wins.

Obviously if the free market has spoken on BPA, it has spoken. It is within the right of every brand to manage its marketing and if they determine that customers don't want BPA, due to fearmongering that won't subside or for any other cause, they can remove it. That is a much different thing than letting the public be exploited for financial gain, which is ironically what lawyers for environmental groups are doing and corporations are not.

NOTES:

(1) And in other things also. If a nationwide vote was taken, being gay would be outlawed. And scaring people about science is even easier. Tyranny of the majority is part of the lexicon because it can be easily abused by clever marketing groups. And with \$1,000,000,000 in annual revenue, there is no group more clever than environmentalists.

(2) When it comes to BPA or dioxins or other chemicals and they want those banned without being detectable they use a mathematical model, such as Collective Dose, and hormesis to claim that undetectable chemicals will still cause harm.

(3) 1 drop in 1,000,000,000,000,000, or in about 11,000,000,000 gallons. It's no wonder that the kind of people who think that can be harmful also think vaccines don't work but homeopathy does.

(4) 30 years later, California must have much lower birth defects and cancer than the rest of the country thanks to Prop 65, right? Nope.

(5) Not a surprise, since over 70 percent of the Prop 65 settlements go to lawyers, including the one who wrote Prop 65.

(6) Bisphenol F exists also, chemically similar to BPA. [And it is as much of an endocrine disruptor as BPA](#) [5]. The problem is it's natural and we have been ingesting it in low doses for hundreds of years in a condiment. If mustard is really expensive a few years from now, thank environmental groups.

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Links

[1]

<http://www.fda.gov/downloads/Food/IngredientsPackagingLabeling/FoodAdditivesIngredients/UCM424011.pdf>

[2] <http://oehha.ca.gov/proposition-65/general-info/proposition-65-plain-language>

[3] <http://oehha.ca.gov/proposition-65/crn/notice-proposed-rulemaking-and-announcement-public-hearing-amendment-section>

[4] <http://www.sfchronicle.com/opinion/openforum/article/Consumers-should-tell-California-to-enforce-BPA-9137797.php?source=acsh.org>

[5] http://www.science20.com/steve_hentges/is_a_harmful_chemical_lurking_in_mustard-177658