

ALERTS

Toxic Tort Law Alert - Notice Of Adoption Of BPA Warnings For Canned And Bottled Food And Beverages

December 9, 2016 | [Atlanta](#) | [Chicago](#) | [Columbus](#) | [Dallas](#) | [Delaware](#) | [Elkhart](#) | [Fort Wayne](#) | [Grand Rapids](#) | [Indianapolis](#) | [Los Angeles](#) | [Minneapolis](#) | [South Bend](#)

On Nov. 30, the California Office of Administrative Law approved a regular rulemaking to replace the emergency regulations currently in effect with respect to Prop 65 BPA warnings. The [emergency regulation](#), enacted in April, allowed for temporary point of sale warnings for BPA exposures from canned and bottled foods and beverages. A “point of sale” warning is typically a warning within a retail facility where customers pay for food and beverages (i.e. a check-out line at a grocery store). For products sold over the internet, it includes warnings on product display pages or electronic check-out functions.

The new regulation will require businesses that choose to use such point of sale warnings to provide the California Office of Environmental Health Hazard Assessment (OEHHA) with a list of products covered by the warning where BPA was intentionally used in the manufacture of the can lining or jar or bottle seals. Guidance regarding compliance with this new reporting provision is [available here](#).

The emergency regulation remains in effect until Dec. 31, 2016. The regular rulemaking becomes effective Jan. 1, 2017, and remains in effect until Dec. 30, 2017. After that date, businesses will need to provide warnings pursuant to the more general provisions of section 25603.3: “Warnings for Specific Consumer Products Exposure.”

Notice of Intent to List Vismodegib and Pertuzumab

On Dec. 2, OEHHA published a [notice of intent](#) to list vismodegib, CAS No. 879085-55-9, sold under the trade name Erivedge, an oral chemotherapy drug used for the treatment of basal-cell carcinoma. OEHHA also published a [notice of intent](#) to list pertuzumab, CAS No. 380610-27-5, sold under the trade name Perjeta, an intravenous monoclonal antibody used to treat breast cancer. The comment period for both notices ends on Jan. 3, 2017.

For more information, contact the Barnes & Thornburg attorney with whom you normally work, or one of the following attorneys: Levi Heath 310-284-3890 or Levi.Heath@btlaw.com or Kendra Lounsberry at 310-284-3893 or Kendra.Lounsberry@btlaw.com.

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