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The right to learn, the power to achieve!
Le droit d'apprendre, la possibilité de réussir!

September 10, 2009

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Chemistry and Flammability Division
Consumer Product Safety Bureau
Department of Health
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Dear Ms Davidson, Sent via email attachment

Re: Canada Gazette Part 1 Notice: Order Amending Schedule 1 of the Hazardous Products Act (bisphenol A) Vol. 143, No. 26 — June 27, 2009

The Learning Disabilities Association of Canada is a national voluntary organization with affiliates in all ten provinces and two Territories of Canada. Our membership comprises both parents and professionals, and persons with learning disabilities. estimated to affect 10% of the population.

We submitted comments on June 12th and December 15th 2009 on the screening risk assessmnet and the proposed risk management approach for bisphenol A, and are taking this opportunity to comment once again on the final Canada Gazette Order amending Schedule 1.

We support the decision to prohibit the manufacture, sale, and importation of polycarbonate baby bottles, and also commend the Department for its attention to monitoring and compliance actions under this prohibition. However we must reiterate our position that this action fails to protect what is properly identified in the Screening Risk Assessment (SRA) as an equally vulnerable and sensitive stage of life to exposures to bisphenol A – that is pregnant women/fetuses. The RAIS focuses on infants and does not mention the prenatal period. The SRA, and recent research have provided important scientific evidence that the fetus may be even more vulnerable to BPA, an estrogenic compound. The SRA noted that the lowest dose effects of BPA have been found from experimental studies of prenatal exposures on neurodevelopment and behaviour - in the ug/kg-bw per day range, which is three orders of magnitude below the NOAELs of 5 or 50 mg/kg - bw/day.

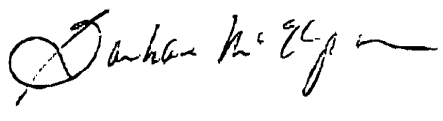
From the SRA, and noted in our previous submission in June of last year, research reported in the screening assessment showed that during pregnancy the fetal environment can have

levels of BPA five times as high as the levels in the mothers' blood. BPA accumulation in the fetal compartment, and the likelihood that the fetus is more vulnerable, point to pregnancy as a key period of human health risk.

The Risk management proposal for bisphenol A included some measures that would, if adopted, further limit the exposure of infants to BPA. LDAC in previous comment papers supported the proposed adoption of the ALARA principle for infant food and food packaging as an interim measure, and recommended that this proposal **should be extended to include canned food in general**. In addition, the proposed risk management strategy included a number of positive proposals for monitoring the presence of BPA in foods, and more importantly - for setting stringent migration targets for BPA in canned infant formula. These important risk management actions are not mentioned in the Canada Gazette Notice.

Currently there is no information that there will be a follow-up to the important recommendations in the risk management proposal for BPA. We trust that there will be some indication that regulations will be made under the Food and Drugs Act regarding the use of BPA in canned foods, food wraps and containers. As well we would support the proposal that regulations would be developed to prevent or minimize releases to the environment by establishing maximal BPA concentrations in effluent. In that regard, there is a need to include a national requirement for the testing of wastewater and sewage sludge that has been found to contain high levels of BPA, and to set stringent limits for BPA in sludge used on pastureland and on fields.

Our comments submitted on December 15th cited a number of studies that added to the weight of evidence for biological pausibiity of neurobehavioural effects from early exposures. For example, studies linking estrogenic substances and BPA to morphological and neurochemical changes in the brain that are sinilar to those that underlie ADHD and learning disabilities. In addition BPA has been linked to epigenetic changes, that can affect many generations. Maternal dietary exposure to bisphenol A (BPA), an estrogenic monomer used in the manufacture of polycarbonate plastic, shifted the coat color of Avy/a mouse offspring toward yellow by decreasing Avy methylation, showing epigenetic changes[1].In summary we are again urging Health canada to take steps to reduce exposures to fetuses by taking action on products that contain BPA, and are consumed by pregnant women.



Barbara McELgunn RN, Health Policy Advisor, LDAC

[1] Dolinoy D. (2009) Epigenetic gene regulation: Linking early development environment to adult disease. Biology of Reproduction 81: Abs. 113