

California NGO launches Prop 65 enforcement effort over BPA in socks



Pic: Furmark

The Center for Environmental Health (CEH) has notified 42 companies that it intends to file lawsuits over alleged violations of California's Proposition 65 notification requirements for failing to warn about high levels of bisphenol A (BPA) in women's and children's socks made of polyester with spandex.

The action from CEH – announced on 1 September – marks the latest effort from the NGO to use Prop 65's private enforcement mechanism to force companies to reduce harmful substances from a variety of consumer products. Already this year, CEH has launched similar actions against companies over their failure to warn about hexavalent chromium in tanned leather articles as well as nitrosamines in exercise bands.

Kaya Allan Sugerman, Illegal Toxic Threats program director at the CEH, said the organisation's legal actions have helped to remove "lead from fashion accessories, candy and children's products; flame retardants from furniture and nap mats; and cadmium and lead from jewellery". Now, she said, "we hope to do the same by removing BPA from socks".

BPA is listed under Prop 65 as a reproductive and developmental toxicant.

Businesses are required to provide a "clear and reasonable" warning before knowingly and intentionally exposing anyone to a listed chemical.

First violation notice for BPA in socks

More than 250 Prop 65 violation notices involving BPA have been filed over the past five years, according to the California Attorney General, which maintains a database of Prop 65 filings.

This is the first notice involving a failure to warn over the presence of BPA in socks.

The CEH said its "extensive testing" found that exposure to BPA from certain brands of baby, children's and women's socks were three times

No.351 Sep, 2021

above the "safe harbour" level below which warning is not required, with one brand exceeding the threshold by 19 times. It said the substance may be added in the manufacturing of polyester to improve the fabric's durable qualities and lifespan.

The organisation sent 60-day notices of violation to more than 40 companies, saying it was prepared to file citizen enforcement lawsuits for Prop 65 violations unless companies agreed to provide compliant warnings in the future, recall already-sold products and pay "an appropriate civil penalty".

It gives the companies 60 days to respond to the CEH's allegations before the NGO can proceed with any litigation.

Hanesbrands, one of companies named by the CEH in its announcement, told Chemical Watch: "We take consumer safety very seriously and are looking into this issue," although a spokesperson said the company lacked sufficient details to comment directly on the allegations.

None of the remaining companies named in the CEH announcement were immediately available to comment.

Link

<https://chemicalwatch.com/327278/california-ngo-launches-prop-65-enforcement-effort-over-bpa-in-socks>

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