



CHEMTrust

Protecting humans and wildlife
from harmful chemicals

Consultation Response

CHEM Trust's response to the Consultation on the draft Opinion of the Committee for Socio-Economic Analysis on the Annex XV dossier proposing restrictions on BPA in thermal paper

16th November 2015

Summary

CHEM Trust welcomes the opportunity to comment on the Committee for Socio-Economic Analysis (SEAC) draft opinion on restrictions on Bisphenol A (BPA) in thermal paper.

SEAC's draft opinion concludes that the proposed restriction of BPA in thermal paper is unlikely to be proportionate. We consider that this analysis is flawed, with important assumptions and omissions, noted in the bullet points below.

In addition, in our view SEAC's analysis should be limited to socio economic impacts. The assessment of proportionality is a political decision which needs to be taken by the EU Commission, with EU Member States.

CHEM trust agrees that affordability and distributional equity (i.e. who gains and who loses) are important, and we strongly believe that current society should not knowingly be permitted to impart costs on the next generation. Therefore, on this argument alone, this restriction should be adopted.

It is worth noting that SEAC accepts that the financial cost of the BPA restriction is low, around 10-20 cents per year (7-14 pence/year) per consumer; this is clearly affordable.

Comments on the analysis:

- **Re Alternatives (p6):** Concerns about BPA being replaced with BPS, which may have similar adverse health effects as BPA, should not prevent action on BPA. A restriction on BPA will send a strong signal that bisphenols in general are not wanted by regulators and will lead to intensified development of bisphenol-free alternatives.
- **Non-Point of Sale workers are ignored in the benefits assessment:** SEAC notes that the scope of the restriction includes both thermal paper used for Point of Sale (POS) and non-Point of Sale (non-POS) applications (eg. lottery tickets, self adhesive labels) and calculates the costs to industry of switching away from BPA thermal paper in all these sectors. However, despite POS applications only accounting for only 50-65% of the BPA consumed in thermal paper, SEAC has only looked at the benefits to POS workers (eg. the children of cashiers), ignoring potential benefits to other workers including distribution industry, lottery, and office workers (eg. handling fax paper and self adhesive labels).

- **Exposed female workers, page 14:** In order to do a ‘break even’ analysis SEAC looks at a single adverse effect in isolation, changes to the mammary gland of female offspring of cashiers, and puts a cost on this. They calculate 10,280 daughters of cashiers would need to be adversely affected for health costs to balance the costs to industry. SEAC considers that such high numbers of female offspring harmed is unlikely, but CHEM Trust would challenge this because:
 - i) the number of female workers at risk has probably been under-estimated as SEAC did not include lottery ticket sellers, secretaries and distribution workers
 - ii) we would question the evidence behind the assumption that there are only 180,000 cashiers throughout the whole EU who might be pregnant or breastfeeding and so only 79,000 unborn female offspring who might be exposed. SEAC assume that only 50% of these (39,500) might be at risk because of exceedance of the DNEL.
- **Assumptions and potential biases in the break-even analysis, Table 8, page 26:** SEAC does note that it has missed non-POS workers in its calculation of the benefits. However it considers the result isn’t biased because the number they are using (180,000) may include other workers employed in retail sales, so the number in contact with receipts and tickets might be 40-80% lower than this. CHEM Trust disagrees, as our view is that the likely exposed population at risk has been underestimated (see above), so benefits will be underestimated.
- **Cost of the mammary gland changes in the population at risk, p14:** Even if the SEAC figure for the number of female babies potentially at risk was correct (39,500), CHEM Trust considers it feasible that 26% of these offspring might develop mammary gland changes due to in-utero exposure. Moreover, based on animal studies, CHEM Trust would argue that it is feasible there would be a 5.5% or even higher breast cancer incidence rate in this population. SEAC’s assumptions that such levels of harm in the population are unlikely are not warranted in our view, noting that the Risk Assessment Committee (RAC) concluded a risk for workers.
- **Mammary gland changes, p14, footnote:** CHEM Trust would query the statement that some changes to the architecture of the mammary gland due to in-utero exposure to BPA are reversible.
- **Potential for multiple effects due to BPA exposure in utero, page 15:** SEAC looks at the costing of potential multiple health endpoints, allocating 20% of the total health costs to each of the following potential effects: mammary gland, immunotox, neurobehaviour, reprotox and metabolic. However, SEAC dismisses this scenario by noting that RAC emphasised that “*it would be exceptionally unlikely that all of the incidence rates.. would occur concurrently in the population at risk due to exposure of workers to BPA from thermal paper*”. However, while CHEM Trust might agree that it is unlikely that all effects would occur simultaneously, we find it highly plausible that one or more additional effects might be concurrent in the population, although not in the same individual. For example, immunotoxic effects or metabolic effects in the male and female offspring of cashiers along with effects on the mammary gland. RAC should have been asked what was the likelihood of one or more effects manifesting in the in-utero exposed children of cashiers.
- Furthermore, CHEM Trust considers that in the allocation of costs to other potential end-points, many end-points and therefore costs have not been included. For example, the costs of skin allergies have not been included, only the cost of food and respiratory allergies.