



Plastics Food Service Packaging Group

June 6, 2016

Via electronic mail to P65Public.Comments@oehha.ca.gov

Monet Vela
Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, California 95814

Re: "Styrene NSRL" - Comments of the American Chemistry Council's (ACC) Plastics Foodservice Packaging Group (PFPG) on the Proposed Amendment to 27 California Code of Regulations 27705 (b), Specific Regulatory Levels Posting No Significant Risk: Styrene

Dear Ms. Vela:

The American Chemistry Council's (ACC)¹ Plastic Foodservice Packaging Group (PFPG)² is pleased to submit comments to California's Office of Environmental Health Hazard (OEHHA) in response to the "Specific Regulatory Levels Posting No Significant Risk: Styrene," proposal published on April 22, 2016.³ PFPG represents styrene monomer producers, polystyrene resin producers, and converters who manufacture plastics foodservice packaging products.

Styrene is the second most widely used monomer for production of food-contact packaging polymers, including polystyrene. Polystyrene used in food service is regulated by the U.S. Federal Food and Drug Administration (FDA) as an indirect food additive under Title 21 of the U.S. Code of Federal Regulations Part 177. FDA determines the safety of polystyrene in contact with food (taking styrene migration into the food as an indirect food additive into account) in

¹ The American Chemistry Council (ACC) represents the leading companies engaged in the business of chemistry. ACC members apply the science of chemistry to make innovative products and services that make people's lives better, healthier and safer. ACC is committed to improved environmental, health and safety performance through Responsible Care®, common sense advocacy designed to address major public policy issues, and health and environmental research and product testing. The business of chemistry is an \$801 billion enterprise and a key element of the nation's economy. It is the nation's largest exporter, accounting for fourteen percent of all U.S. exports. Chemistry companies are among the largest investors in research and development. Safety and security have always been primary concerns of ACC members, and they have intensified their efforts, working closely with government agencies to improve security and to defend against any threat to the nation's critical infrastructure.

² The Plastics Foodservice Packaging Group of the American Chemistry Council represents styrene monomer producers, polystyrene resin producers, and converters who manufacture plastics foodservice packaging products. PFPG provides useful information to public policymakers, students, teachers, businesses and the general public about how plastic foodservice products are made, how they benefit consumers, and how plastics foodservice products provide important environmental, safety and health benefits.

³ See 17-Z Cal. Regulatory Notice Reg. 663 (Apr. 22, 2016) (proposed amendment of 27 California Code of Regulations § 25705(b)).

accordance with risk standards using robust standard of “reasonable certainty of no harm.”⁴ Our members thus have a significant interest in OEHHA’s listing of styrene as a substance known to the state as causing cancer under the California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)⁵ and the proposed establishment of 27 micrograms per day ($\mu\text{g}/\text{day}$) as a “no-significant-risk level” (NSRL).

Polystyrene has been in use in a wide range of food contact applications for five decades. While polystyrene is often thought of as packaging for food carryout and coffee, polystyrene packaging is critical to the safe delivery of a wide range of foods to the store and from the store, e.g., egg cartons; soup containers; clear clam shells for produce; and foam trays for packaging meats, poultry, and seafood. Polystyrene food packaging is critical to the food and agricultural industries in California, and appropriately warning consumers about the presence of styrene – when styrene’s presence presents a carcinogenic risk– is a critical issue PFPG members.

Relying on the data analysis and cancer potency estimate presented in the December 2010 OEHHA Public Health Goal (PHG) for styrene in Drinking Water document, OEHHA has proposed a NSRL for styrene of 27 $\mu\text{g}/\text{day}$.⁶ While PFPG does not object to the proposed NSRL for the polystyrene food packaging products referenced above, we encourage OEHHA to consider the May 7, 2016 report, “Derivation of an NSRL for Styrene,” by Summit Toxicology. Based on the best available physiologically based pharmacokinetic (PBPK) model data, Summit Toxicology calculated NSRLs for styrene at 2,100 $\mu\text{g}/\text{day}$ (inhalation) and 5,600 $\mu\text{g}/\text{day}$ (oral).⁷

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We would be pleased to meet with OEHHA if this is helpful to the agency to better understand polystyrene food service applications, and particularly, the scope and scale of these applications in California. Please feel free to contact me with any questions you may have about this submittal and comments.

Sincerely,



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American Chemistry Council (ACC)
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⁴ *The Safety of Styrene-Based Polymers for Food-Contact Use 2013*, updated February 9, 2015, Submitted to: U.S. Food and Drug Administration(FDA) Food Additive Master File (FAMF) Update, Prepared by: Plastics Foodservice Packaging Group PFPG FDA Task Force, American Chemistry Council

⁵ Cal. Health & Safety Code §§ 24249.5–13.

⁶ See OEHHA, *Public Health Goals for Chemicals in Drinking Water: Styrene* (2010).

⁷ C Kirman and S. Hays, *Derivation of an NSRL for Styrene*, Summit Toxicology, May 7, 2016.