

**From:** [Jeffrey Gabriel](#)  
**To:** [P65Public Comments](#)  
**Subject:** NMMA Comments Re/ OEHHA's published notice of intent to list styrene as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986  
**Date:** Thursday, March 26, 2015 6:25:25 AM  
**Attachments:** [3-26-15 CARB Prop 65 Styrene Comments Final at 923 am.pdf](#)

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Good Morning:

Please accept the attached comments regarding OEHHA's published notice of intent to list styrene as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986. NMMA very much appreciates the opportunity to submit these comments and looks forward to working with you in the future.

Jeff Gabriel  
Legislative Counsel  
National Marine Manufacturers Association  
Cell: 703-209-7663

March 10, 2015

Monet Vela  
Office of Environmental Health Hazard Assessment  
P. O. Box 4010, MS-19B  
1001 I Street  
Sacramento, California 95812-4010

**Re: Notice of Intent to List Styrene Under the Authoritative Bodies Listing Mechanism (Health and Safety Code Section 25249.8 (B) and Title 27 Cal. Code of Regs., Section 25902)**

Dear Ms. Vela:

The National Marine Manufacturers Association (NMMA) is pleased to provide the Office of Environmental Health Hazard Assessment (OEHHA) with the following comments with respect to OEHHA's published notice of intent to list styrene as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986 (*Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code § 25249.5 et seq.*). This action was taken under the authoritative bodies listing mechanism (*See Health and Safety Code § 25249.8(b) and Title 27, Cal. Code of Regs. § 25902 ("Formally Required to Be Labeled or Identified")*).

By way of background, NMMA is the leading recreational marine industry trade association in North America, representing 1,400 boat, engine, and accessory manufacturers. NMMA members collectively produce more than 80 percent of the recreational marine products sold in the United States. Statewide, recreational boating is a significant contributor to the California economy by employing nearly 72,000 people through more than 3,000 boating businesses. The total economic impact for recreational boating in California was \$8.94 billion in 2012.

NMMA supports sound OEHHA regulations that ensure the public's health and safety. In fact, our organization has been the industry leader in Proposition 65 compliance, providing both our members and our non-members with compliant warning labels to be used throughout California.

NMMA has concerns with OEHHA's published notice of intent to list styrene as known to the State to cause cancer under Proposition 65 by way of the authoritative bodies listing mechanism. NMMA supports the comments submitted by the Styrene Information and Research Center (SIRC) and its conclusion that:

“Based on new human and mode of action studies, coupled with NTP's failure to consider scientific data and well-established scientific principles in reinterpreting NCI (1979), there is no basis for OEHHA to list styrene under the authoritative bodies listing mechanism because it is clearly established that the sufficiency of evidence criteria were not met.”

As detailed in comments submitted by the Styrene Information and Research Center OEHHA should not list styrene under Proposition 65 based on the authoritative listing mechanism because:

- Based on data that NTP did not consider, the human data do not support an association between exposure to styrene and human cancer, which precludes a listing.
- Based on data and scientific practices that NTP did not consider, the animal data is limited, not sufficient, which precludes a listing.
- Recent mode of action studies that NTP did not consider demonstrate that the mouse lung tumors identified in Cruzan et al., (2001) are not relevant to human cancer risk, which precludes a listing.

NMMA supports these assertions. While we recognize the importance of providing consumers ample protection and warning against potential health hazards, it is clear that styrene does not merit such protection.

Additionally, due to the lack of sufficient scientific evidence that styrene poses a risk of cancer in humans, NMMA believes that listing styrene under Proposition 65 runs the very real risk of confusing the consumer regarding real threats the public's health and safety. In the absence of sound scientific reasoning, the inclusion of styrene in the Proposition 65 regulation would be unnecessary and ultimately do a disservice to California's consumers and businesses. Overregulation goes against the spirit of the law, wastes California tax-payer's resources, and ultimately diverts OEHHA's focus from its core mission of identifying real risks to human health and safety.

NMMA appreciates the opportunity to offer these comments and looks forward to continuing to ensure our member companies' compliance with Proposition 65. NMMA will continue to work with OEHHA in providing balanced, scientific-based consumer protection against potential health hazards. For additional questions, please feel free to contact me at [jgabriel@nmma.org](mailto:jgabriel@nmma.org) or 202-737-9776.

Sincerely,



Jeffrey Stephen Gabriel, Jr.  
Legislative Counsel  
National Marine Manufacturers Association