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(The Styrene Information and Research Center (SIRC) issued the following statement today on behalf of the U.S. styrene industry. This statement may be attributed in whole or in part to SIRC Executive Director Jack Snyder.)

Styrene Industry Lauds California Appellate Court Decision on Prop. 65 Listing

WASHINGTON, D.C., Nov. 2, 2012 – “The Styrene Information and Research Center (SIRC) lauds the October 31 decision by the California Court of Appeal, Third District, Sacramento, affirming SIRC’s challenge to the state’s proposed listing of styrene as a known carcinogen under the Safe Drinking Water and Toxic Enforcement Act of 1986, better known as Proposition 65¹.

“The three-judge appellate panel unanimously upheld a December 2009 decision by the Sacramento County Superior Court preventing the California Office of Environmental Health Hazard Assessment (OEHHA) from adding styrene to the Proposition 65 list.

“As the court explained in its 28-page opinion, Proposition 65 includes a number of listing mechanisms, with the key provision in this case relating to substances identified by reference in a California Labor Code provision. The California Labor Code references the federal Occupational Safety and Health Administration’s Hazard Communication Standard (HCS), and the OSHA HCS references chemicals identified as carcinogens by the International Agency on Cancer (IARC).

“SIRC’s primary argument was that the IARC Group 2B (possibly carcinogenic) listing did not support a known carcinogen finding under Proposition 65 because IARC based its listing on limited evidence of carcinogenicity in humans and experimental animals. OEHHA argued that it was obligated to list all IARC Group 2B substances.

“The appellate judges concluded that IARC’s category of “sufficient” evidence was equivalent to the known carcinogen requirements of Proposition 65. Because IARC listed styrene based on “limited” evidence, the known carcinogen basis for listing under Proposition 65 was not satisfied and both styrene and vinyl acetate “cannot properly be included” on the Proposition 65 list under the Labor Code listing mechanism.

(more)

¹ *SIRC v. Office of Environmental Health Hazard Assessment*, Cal. App. 3rd No. C064301 (October 31, 2012).

“We are pleased that the appellate court affirmed the original ruling on the impropriety of the proposed listing styrene under Proposition 65, which would have resulted in unnecessary and unwarranted public alarm. Consumers can continue to use the thousands of products made from styrene and styrene-based resins with complete confidence in their safety.”

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For more information on styrene, how it is manufactured and used, its safety for consumers and industry employees, and current research, visit www.styrene.org and www.youknowstyrene.org.