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**BY ELECTRONIC MAIL**

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**Re: DARTIC Review of Metallic Nickel – Comments of the  
Specialty Steel Industry of North America**

Dear OEHHA:

On behalf of the Specialty Steel Industry of North America (“SSINA”), we appreciate the opportunity to submit comments on the proposal by the Office of Environmental Health Hazard Assessment (“OEHHA”) for the Developmental and Reproductive Toxicant Identification Committee (“DARTIC”) to review metallic nickel (CAS# 7440-02-0) under Proposition 65. SSINA fully supports the detailed comments submitted by the Nickel Producers Environmental Research Association (“NiPERA”). For the reasons detailed in the NiPERA comments, and as discussed below, SSINA believes that DARTIC review of “metallic nickel” is not justified.

As detailed by NiPERA, the vast majority of the studies reviewed by OEHHA involve other forms of nickel that are not relevant to assessing the reproductive hazard of “metallic nickel.” The highest quality epidemiological studies involving exposure to metallic nickel – studies of workers at the Monchegorsk nickel refinery – do not support a causal association between exposure to nickel and adverse reproductive outcomes. Outside of the occupational setting, exposure to metallic nickel via inhalation or ingestion is practically non-existent.

Likewise, due to minimal release and availability of nickel from consumer items, particularly those made from stainless steel, dermal exposure and absorption is negligible.<sup>1</sup>

Accordingly, given the lack of consumer or public exposure and the results of the most comprehensive occupational studies to date, it would be misleading and scientifically inappropriate for OEHHA or DARTIC to prioritize “metallic nickel,” particularly nickel from exposure to nickel alloys, for review as a reproductive toxin under Proposition 65.

If you have any questions or would like further information, please do not hesitate to contact me at 202.342.8849 or [JGreen@KelleyDrye.com](mailto:JGreen@KelleyDrye.com).

Respectfully submitted,



Joseph J. Green  
Counsel to the Specialty Steel Industry of North America

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<sup>1</sup> The minimal release of nickel from alloys is among the reasons why nickel alloys were not included in the National Toxicology Program (“NTP”) listing of “metallic nickel” and “nickel compounds” in the *Report on Carcinogens*. See, NTP, *Report on Carcinogens*, Appendix C (identifying “nickel alloys” as among the “Substances Reviewed but Not Recommended for Listing in the Report on Carcinogens”). Hence, when OEHHA amended the Proposition 65 regulations to conform to the new NTP listings for “metallic nickel” and “nickel compounds,” nickel alloys were excluded from the listing. See, e.g., OEHHA, *Chemical Listed Effective May 7, 2004 as known to the State of California to Cause Cancer: Nickel Compounds* (May 7, 2004) (“For the purposes of clarification, OEHHA notes that nickel alloys are distinct from nickel compounds, and are not included in the Proposition 65 listing of nickel compounds.”).