



April 29, 2015

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

Re: NOIL – styrene

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

Dear Ms. Vela:

The American Chemistry Council's (ACC) Plastic Foodservice Packaging Group (PFPG) and Plastics Division are pleased to submit these comments in response to the Notice of Intent to List (NOIL) published by the Office of Environmental Health Hazard (OEHHA) on February 27, 2015. ACC is the trade association for U.S. chemicals manufacturing; PFPG represents suppliers and converter manufacturers of plastic, including polystyrene, into foodservice packaging products; and ACC's Plastics Division represents the leading plastic resin manufacturers in the U.S. Our members thus have a significant interest in this matter.

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 accordance with risk standards using robust standard of "reasonable certainty of no harm." The National Toxicology Program (NTP) itself, following its review of styrene, took pains to point out the public that polystyrene food service is safe -- Director Dr. Linda Birnbaum, Ph.D., was widely quoted following the issuance of NTP's decision on styrene as saying "[l]et me put your mind at ease right away about Styrofoam [polystyrene foam] ... [the levels of styrene from polystyrene containers] are hundreds if not thousands of times lower than have occurred in the occupational setting...In finished products, certainly styrene is not an issue." (AP, June 2011).

Polystyrene has been in use in a wide range of food contact applications for some five decades, and while many people think of polystyrene for carryout and picnic foods and coffee, polystyrene is critical to the safe delivery of a wide range of foods to the store and from store to consumer in packaging like egg cartons; soup containers; foam cups for hot and cold drinks; clear clam shells for berries and produce like snow peas and cherry tomatoes; foam trays for packaging meats, poultry, and seafood at the deli counter; and trays for a wide range of other produce like mushrooms and tomatoes. Polystyrene food packaging is critical to the food and agricultural industries in California, even used to cushion, protect and package fresh market table grapes from the Coachella and San Joaquin Valleys. The California Fisheries and Seafood Institute represents industries that rely on polystyrene foam containers to safely export seafood and keep it fresh around the world.

We write here to express our full support, and to incorporate fully by reference, the comments already filed with your office on March 26, 2015 by the Styrene Information and Research Council

Office of Food Additive Safety (HFS-275)

September 19, 2011

Page 2

(SIRC). SIRC's comments explain in detail why a listing of styrene under the authoritative bodies mechanism is not supported, noting that new human studies published after the RoC listing demonstrate that the human evidence is inadequate to support listing of styrene; second, that because the National Toxicology Program did not or was unable to consider scientifically valid data, the animal evidence is not sufficient to support a listing; that additional mode of action data demonstrate that the animal data are not relevant to humans; and that styrene does not present a human cancer risk at anticipated exposure levels, including polystyrene food service applications.

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. In addition, we would be pleased to explain the FDA's rigorous pre-market approval of the safety of polymers used in food service applications, including its review of styrene and polystyrene. Please feel free to contact me with any questions you may have about this submittal.

Very truly yours,



Mike Levy

Senior Director, Plastic Foodservice Packaging Group
American Chemistry Council

and



Steven K. Russell
Vice President, Plastics Division
American Chemistry Council

Attachment (incorporated by reference into these comments): Comments of the Styrene Information Research Center on Notice of Intent to List Styrene Under the Authoritative Bodies Listing Mechanism, March 26, 2015