

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(Proposition 65)**

**NOTICE TO INTERESTED PARTIES
June 6, 2003**

*1) CLARIFICATION OF CHEMICAL LISTING OF
NICKEL AND CERTAIN NICKEL COMPOUNDS*

*2) REQUEST FOR COMMENT ON PROPOSED LISTING OF
NICKEL COMPOUNDS AS KNOWN TO CAUSE CANCER*

CLARIFICATION OF LISTING

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). As the lead agency, OEHHA is clarifying the Proposition 65 list of chemicals known to the state to cause cancer by specifying and providing Chemical Abstract Service (CAS) Numbers for those chemicals covered by the listing of "nickel and certain nickel compounds" under Proposition 65 on October 1, 1989.

"Nickel and certain nickel compounds" were added to the Proposition 65 list as a result of a judicial decision interpreting Labor Code Section 6382(b)(1) and (d), which are incorporated by reference as Proposition 65 listing provisions pursuant to Health and Safety Code Section 25249.8(a). Labor Code Section 6382(b)(1) requires that substances listed as human or animal carcinogens by the International Agency for Research on Cancer (IARC) be included on the Proposition 65 list. Labor Code Section 6382(d) requires listing under Proposition 65 for chemicals identified as carcinogens or potential carcinogens by IARC or the National Toxicology Program (NTP). "Nickel and certain nickel compounds" were originally identified by NTP as "reasonably anticipated to be a human carcinogen" in 1980 in its *First Annual Report on Carcinogens*. As noted in the NTP *Tenth Report on Carcinogens*, "The specific compounds included in this listing were: (metallic) nickel, nickel acetate, nickel carbonate, nickel carbonyl, nickel hydroxide, nickelocene, nickel oxide, and nickel subsulfide." The CAS Numbers for these chemicals were provided in the NTP 1989 *Fifth Annual Report on Carcinogens* and later reports in the series. "Nickel and certain nickel compounds" were originally identified by IARC as "probably carcinogenic to humans (Group 2A)" in 1982 in *IARC Monographs Supplement 4*.

Some nickel compounds were already listed under Proposition 65 at the time of the 1989 additions based on the Labor Code provisions discussed above. On October 1, 1987, based

on findings of the state’s qualified experts (at that time, the “Scientific Advisory Panel”), nickel carbonyl, nickel refinery dust from the pyrometallurgical processes and nickel subsulfide were added to the Proposition 65 list. To add clarity to the Proposition 65 listing of nickel compounds, the Proposition 65 list of chemicals known to cause cancer is being modified, effective June 6, as follows (deletions in strike-out, additions in bold, no change in normal font):

Chemical	CAS No.	Effective Proposition 65 Listing Date
Nickel (Metallic)	7440020	October 1, 1989
Nickel and Certain Nickel Compounds	---	October 1, 1989
Nickel acetate	373024	October 1, 1989
Nickel carbonate	3333393	October 1, 1989
Nickel carbonyl	13463393	October 1, 1987
Nickel hydroxide	12054487; 12125563	October 1, 1989
Nickelocene	1271289	October 1, 1989
Nickel oxide	1313991	October 1, 1989
Nickel refinery dust from the pyrometallurgical processes	---	October 1, 1987
Nickel subsulfide	12035722	October 1, 1987

Although this notice of June 6, 2003, clarifies the Proposition 65 listing for nickel and certain nickel compounds, as noted in the table above, the effective listing dates for specific compounds covered remain unchanged. A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

PROPOSED LISTING OF NICKEL COMPOUNDS: REQUEST FOR COMMENT

Since the 1989 Proposition 65 listing of nickel and certain nickel compounds, both NTP and IARC have found that all nickel compounds are human carcinogens. In 1990, IARC issued the monograph *Chromium, Nickel and Welding* (Volume 49) in its series *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans*. In this monograph IARC classified “nickel compounds” as “carcinogenic to humans (Group 1).” In 2002, NTP released its *Tenth Report on Carcinogens* in which it included “nickel compounds” on the list of substances “known to be human carcinogens.” Thus both IARC and NTP identified “nickel compounds” as human carcinogens, without restriction to “certain” nickel compounds.

By operation of law based on the Labor Code Section 6382(b)(1) and (d), the broadening of the designation of “certain nickel compounds” by both IARC and NTP to “nickel compounds” requires that the Proposition 65 list be amended. Therefore, OEHHA proposes to add “nickel compounds” to the Proposition 65 list of chemicals known to cause cancer. OEHHA welcomes public comment and input on the proposed change.

Comments should be sent in triplicate, along with any supporting documentation, by mail or by fax to:

Ms. Cynthia Oshita
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Sacramento, California 95814
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Sacramento, California 95812-4010
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Comments may also be hand-delivered to Ms. Oshita at the Office of Environmental Health Hazard Assessment at the same address. **In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered or sent by FAX) by 5:00 p.m. on Monday, July 7, 2003.**