



# Styrene Litigation

## Overview

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Styrene is a colorless liquid with a sweet floral smell. It is found naturally in the environment and also can be synthesized for commercial use. Styrene is a high-volume chemical with an annual volume of 10 billion to 20 billion pounds since 2015. It is used as a flavoring ingredient in various foods, primarily baked goods, ice cream, chewing gum, candy, and beverages. It is also used as an additive in fuels, paints, and coatings and in the production of plastics and resins. Other consumer products containing styrene include insulation, packaging materials, plastic piping, carpet backing, and drinking cups.

Styrene exposure can occur through inhalation, ingestion, or skin contact. Short-term exposure to styrene allegedly causes mucous membrane and eye irritation and gastrointestinal problems. Long-term exposure allegedly causes headaches, fatigue, weakness, depression, hearing loss, and peripheral neuropathy.

Even though there is no conclusive evidence that styrene is a human carcinogen, it is alleged that multiple epidemiologic studies suggest an association between styrene exposure and an increased risk of leukemia and lymphoma, as well as esophageal and pancreatic cancers. Both the National Toxicology Program (NTP) and the World Health Organization (WHO) have determined that styrene causes cancer in animals and may also cause cancer in humans. In 2002, the International Agency for Research on Cancer (IARC) classified styrene as “possibly carcinogenic to humans,” and in 2011, the NTP and the U.S. Department of Health & Human Services (HHS) concluded that styrene was “reasonably anticipated to be a human carcinogen.” Thereafter, in 2014, the National Research Council (NRC) reviewed NTP’s assessment of styrene and concluded that NTP correctly determined that styrene should be considered for listing as a carcinogen as there “is sufficient evidence of exposure to a significant number of persons residing in the United States to warrant such consideration.”

In May 2018, eight non-profit groups, led by Breast Cancer Prevention Partners, filed a lawsuit in the U.S. Court of Appeals for the Ninth Circuit (Breast Cancer Prevention Partners v. FDA, 9th Cir., No. 18-71260, 5/2/2018) seeking to force the U.S. Food & Drug Administration (FDA) to ban styrene and six other flavor additives from use in foods. The lawsuit alleges that the FDA has known for years that these chemicals cause cancer in humans, but it has failed to take any action.

### How Tucker Ellis Can Help

In addition to manufacturers and distributors of products containing styrene, employers using it in their production or operations are possible targets in litigation. The Tucker Ellis Mass Tort & Product Liability Group can assist clients with legal issues and help develop strategies to manage risks.

The Tucker Ellis Mass Tort & Product Liability Group represents product manufacturers in tens of thousands of cases filed in state and federal courts nationwide at both the trial and appellate levels. Our lawyers focus on the national, regional, and local defense of product liability cases involving industrial, commercial, and consumer products and toxic tort cases related to alleged exposure to naturally occurring substances such as asbestos, silica, coal mine dust, and talc, as well as welding fume, mold, and other claimed toxins.