

CANDLES - THE BURNING QUESTIONS!

Penny Williams



 Orchadia

CONTENTS

1. Do Candles fall under the scope of CLP and REACH?
2. Does that mean ME?
3. What about risk and exposure? Do they really need environmental/eye irritancy/skin sensitiser labelling?
4. Do they really need to be labelled?
5. Do 'Cosmetic Allergens' need to be labelled?
6. Do they really need a SDS?

1. Do Candles fall under the scope of CLP and REACH?



CLP Scope

- Candles are under the scope of CLP

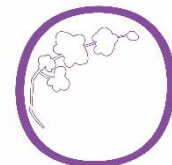
- Scope

(11) This Regulation should, as a general principle, apply to all substances and mixtures supplied in the Community, except where other Community legislation lays down more specific rules on classification and labelling, such as Council Directive 76/768/EEC of 27 July 1976 on the approximation of the laws of the Member States relating to cosmetic products ⁽¹⁾, Council Directive 82/471/EEC of 30 June 1982 concerning certain products used in animal nutrition ⁽²⁾, Council Directive 88/388/EEC of 22 June 1988 on the approximation of the laws of the Member States relating to flavourings for use in foodstuffs and to source

CLP Scope

- Out of scope

2. This Regulation shall not apply to the following:
 - (a) radioactive substances and mixtures within the scope of Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the danger arising from ionising radiation ⁽¹⁾;
 - (b) substances and mixtures which are subject to customs supervision, provided that they do not undergo any treatment or processing, and which are in temporary storage, or in a free zone or free warehouse with a view to re-exportation, or in transit;
 - (c) non-isolated intermediates;
 - (d) substances and mixtures for scientific research and development, which are not placed on the market, provided they are used under controlled conditions in accordance with Community workplace and environmental legislation.
3. Waste as defined in Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste ⁽²⁾ is not a substance, mixture or article within the meaning of Article 2 of this Regulation.



CLP Scope

- Out of scope

5. This Regulation shall not apply to substances and mixtures in the following forms, which are in the finished state, intended for the final user:

- (a) medicinal products as defined in Directive 2001/83/EC;
- (b) veterinary medicinal products as defined in Directive 2001/82/EC;
- (c) cosmetic products as defined in Directive 76/768/EEC;
- (d) medical devices as defined in Directives 90/385/EEC and 93/42/EEC, which are invasive or used in direct physical contact with the human body, and in Directive 98/79/EC;
- (e) food or feeding stuffs as defined in Regulation (EC) No 178/2002 including when they are used:

Candles and Articles

- What about 'articles'? Are candles an article?
- In 2011 ECHA compiled Guidance on substances in articles:
 - Candles are included as a combination of an article and a substance/mixture
 - The wick is the article and the wax is the substance/mixture
 - Without the wick the candle could not perform its primary function of creating a flame
 - The wick delivers the mixture in a controlled way to the flame
 - The substance / mixture consumed (burnt) during the intended use of the candle

2. Does that mean ME?



CLP Obligations

Article 1

Purpose and scope

- Obligations for
 - Manufacturers
 - Importers
 - Downstream users
 - Suppliers

 - Classify

 - Label
1. The purpose of this Regulation is to ensure a high level of protection of human health and the environment as well as the free movement of substances, mixtures and articles as referred to in Article 4(8) by:
- (a) harmonising the criteria for classification of substances and mixtures, and the rules on labelling and packaging for hazardous substances and mixtures;
 - (b) providing an obligation for:
 - (i) manufacturers, importers and downstream users to classify substances and mixtures placed on the market;
 - (ii) suppliers to label and package substances and mixtures placed on the market;
 - (iii) manufacturers, producers of articles and importers to classify those substances not placed on the market that are subject to registration or notification under Regulation (EC) No 1907/2006;



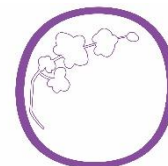
CLP Definitions

- Manufacturer
 - 15. 'manufacturer' means any natural or legal person established within the Community who manufactures a substance within the Community;
- Importer
 - 17. 'importer' means any natural or legal person established within the Community who is responsible for import;
- Downstream User
 - 19. 'downstream user' means any natural or legal person established within the Community, other than the manufacturer or the importer, who uses a substance, either on its own or in a mixture, in the course of his industrial or professional activities. A distributor or a consumer is not a downstream user. A re-importer exempted pursuant to Article 2(7)(c) of Regulation (EC) No 1907/2006 shall be regarded as a downstream user;
- Distributor
 - 20. 'distributor' means any natural or legal person established within the Community, including a retailer, who only stores and places on the market a substance, on its own or in a mixture, for third parties;
- Supplier
 - 26. 'supplier' means any manufacturer, importer, downstream user or distributor placing on the market a substance, on its own or in a mixture, or a mixture;



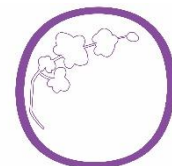
CLP Definitions

- Substance
 7. 'substance' means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;
- Mixture
 8. 'mixture' means a mixture or solution composed of two or more substances;
- Placing on the market
 18. 'placing on the market' means supplying or making available, whether in return for payment or free of charge, to a third party. Import shall be deemed to be placing on the market;
- Use
 25. 'use' means any processing, formulation, consumption, storage, keeping, treatment, filling into containers, transfer from one container to another, mixing, production of an article or any other utilisation;



CLP Obligations

- **Distributors may**
 - use the classification for a substance or mixture derived in accordance with Title II by an actor in the supply chain.
- **Downstream Users may**
 - use the classification of a substance or mixture derived in accordance with Title II by an actor in the supply chain, provided that they do not change the composition of the substance or mixture.
 - 2. Manufacturers, importers and downstream users shall examine the information referred to in paragraph 1 to ascertain whether it is adequate, reliable and scientifically valid for the purpose of the evaluation pursuant to Chapter 2 of this Title.
 - So although DUs can use a direct classification from someone else, they are still obligated to ensure it's adequate and reliable (and kept up to date)



3. What about risk and exposure?
Do they really need
environmental/eye irritancy/skin
sensitiser labelling?



CLP Hazards and Communication

- Identify and communicate hazards
 - Note, it's 'hazards', not 'risks'
 - Everyone (in the supply chain) takes responsibility
- (10) The objective of this Regulation should be to determine which properties of substances and mixtures should lead to a classification as hazardous, in order for the hazards of substances and mixtures to be properly identified and communicated. Such properties should include physical hazards as well as hazards to human health and to the environment, including hazards to the ozone layer.
- (16) Responsibility for the identification of hazards of substances and mixtures and for deciding on their classification should mainly lie with manufacturers, importers and downstream users of those substances or mixtures, regardless of whether they are subject to the requirements of Regulation (EC) No 1907/2006.

CLP Hazards and Communication

- CLP is about the classification and communication of HAZARD to users
- HAZARD is a property
- RISK is HAZARD x EXPOSURE
- If HAZARDS are present they need to be communicated in accordance with CLP
- Danger from hazards depends on use, which includes accidental release

CLP Hazards and Communication

- If EXPOSURE and RISK are low under normal conditions of use, this does not mean the HAZARD is not present
 - Environmentally Hazardous Candle?
 - A lorry of candles in a river or in a sunken ship
 - Disposal e.g. land fill > degradation > into water system
 - Eye Irritant Candle?
 - A candle chip in the eye
 - Skin Sensitiser Candle?
 - An oil droplet on a candle surface, coming into contact with skin

4. Do they really need to be
labelled?



Label

- Label Hazardous Products
- CLP Article 17
 - (a) Name & Address
 - (b) Quantity, if not elsewhere
 - (c) Product Identifier
 - (d) Pictogram
 - (e) Signal word
 - (f) Hazard statements
 - (g) Precautionary statements
 - (h) Supplemental information

Content of the label

Article 17

General rules

1. A substance or mixture classified as hazardous and contained in packaging shall bear a label including the following elements:
 - (a) the name, address and telephone number of the supplier(s);
 - (b) the nominal quantity of the substance or mixture in the package made available to the general public, unless this quantity is specified elsewhere on the package;
 - (c) product identifiers as specified in Article 18;
 - (d) where applicable, hazard pictograms in accordance with Article 19;
 - (e) where applicable, signal words in accordance with Article 20;
 - (f) where applicable, hazard statements in accordance with Article 21;
 - (g) where applicable, the appropriate precautionary statements in accordance with Article 22;
 - (h) where applicable, a section for supplemental information in accordance with Article 25.



Label

- Application of labels
- Article 31
 - Firmly affix labels to packaging immediately containing substance
 - Readable horizontally when package set down 'normally'
 - Label elements stand out clearly; easily read
 - Shape, colour, size of pictogram as specified

General rules for the application of labels

1. Labels shall be firmly affixed to one or more surfaces of the packaging immediately containing the substance or mixture and shall be readable horizontally when the package is set down normally.
2. The colour and presentation of any label shall be such that the hazard pictogram stands out clearly.
3. The label elements referred to in Article 17(1) shall be clearly and indelibly marked. They shall stand out clearly from the background and be of such size and spacing as to be easily read.
4. The shape, colour and the size of a hazard pictogram as well as the dimensions of the label shall be as set out in section 1.2.1 of Annex I.
5. A label shall not be required when the label elements referred to in Article 17(1) are shown clearly on the packaging itself. In such cases, the requirements of this Chapter applicable to a label shall be applied to the information shown on the packaging.



CLP Definitions

- Package
 - 35. 'package' means the complete product of the packing operation, consisting of the packaging and its contents;
- Packaging
 - 36. 'packaging' means one or more receptacles and any other components or materials necessary for the receptacles to perform their containment and other safety functions;
- Intermediate packaging
 - 37. 'intermediate packaging' means packaging placed between inner packaging, or articles, and outer packaging.

Label

- Additional rules
 - Article 29 - Exemptions from labelling and packaging requirements
 - Article 30 - Updating information on labels
 - Article 32 - Location of information on the label
 - Article 33 - Specific rules for labelling of outer packaging, inner packaging and single packaging

5. Do 'Cosmetic Allergens' need to be labelled?



Cosmetic Allergens

- There is no CLP requirement to label the 'cosmetic allergens'
- There is an agreement to label the cosmetic allergens by members of AISE who are participating in the 'Air Fresheners Product Stewardship Programme'

6. Do they really need a SDS?



Safety Data Sheets

- SDS exists to inform users about hazards
 - Primarily targeted at workplace health & safety
 - In particular, the safety data sheet shall enable employers to determine whether any hazardous chemical agents are present in the workplace, and to assess any risk to the health and safety of workers arising from their use.
 - Also for emergency responders, in event of human exposure, fire, release to the environment

Safety Data Sheets

- SDS must be actively supplied for hazardous products
 - Must be free of charge on paper or electronically
 - No later than the date of first supply

- From CLP – amending REACH Art 31 on SDS

2. Article 31 shall be amended as follows:

(a) paragraph 8 shall be replaced by the following:

'8. A safety data sheet shall be provided free of charge on paper or electronically no later than the date on which the substance or mixture is first supplied.';

Safety Data Sheets

- SDS do not need to be actively supplied for hazardous consumer products (if sufficient information is included with product to offer protection)
 - But a SDS may be requested by a User or Distributor
 - If requested they must be supplied
 - From CLP – amending REACH Art 31 on SDS
- (b) paragraph 4 shall be replaced by the following:
- '4. The safety data sheet need not be supplied where substances that are hazardous in accordance with Regulation (EC) No 1272/2008 or mixtures that are dangerous in accordance with Directive 1999/45/EC, offered or sold to the general public, are provided with sufficient information to enable users to take the necessary measures as regards the protection of human health, safety and the environment, unless requested by a downstream user or distributor.'

Contact details

Penny Williams

Orchadia Solutions Ltd
The Exchange
Colworth Science Park
Sharnbrook
Bedfordshire
MK44 1LQ
Tel: 01234 866606

pennyw@orchadia.org

www.orchadia.org