

January 2015

### To whom it may concern

We are highly appreciative of the EU Commission for giving all stakeholders the opportunity to comment on and for its commitment to pragmatically consider all arguments brought forward in relation to the use of the hydrocarbons being labelled with H304 phrase in lamp oils.

With this letter, the HSPA (Hydrocarbon Solvents Producer Association, a CEFIC Sector Group) wants to focus on some of the steps required in order to place the additional restrictions on the use of paraffinic hydrocarbons, classified as H304.

The EU Commission has started its journey for the insertion of paraffinic hydrocarbons, labelled as H304 of the Regulation 276/2010/EEC in Annex XVII of REACH, with the development of two surveys. The first one was conducted in March 2014 through the Competent Authorities and the second one in July 2014 was a call of evidence conducted by ECHA. In both surveys, the evidence contributions from the interested parties were appreciated in order to identify opportunities in substituting fuels/oils for decorative lamps and grill lighter fluids labelled with H304. The EU Commission specifically addressed the availability and properties of the alternative products and the new rules for the lamp oil packaging, most particularly the awareness of the incidents caused by the lamp oil ingestion.

Based on the findings of these surveys, the EU Committee should proceed to ask ECHA to develop a strategy for the replacement of the existing products with the alternative products.

Referring to our previous communication back in June 13th 2008, we noticed that the Expert Committee has taken into account its content and subsequently drew up a document on May 28th 2009 reviewing the Annex I of the Directive 76/769, which, we believe, is a good starting point for any further discussion on this matter and that we shall refer to in this communication as the Commission document 2009.

In particular we are referring to the Commission staff working document SEC(2009)708 that has been prepared after the discussion with Stakeholders regarding the EU Commission-DG ENTR 'Opinion', D(2008)10567, on a proposal to restrict the marketing and use of lamp oils and grill lighter fluids.

This document entails the assessment of the results from the analysis including the uses, hazards, and the already adopted and still to be adopted precautionary measures for the paraffinic products classified as H304, besides the evaluation of the possible alternatives to the paraffinic ones, their effectiveness and hazards and risks.



The available information clearly confirms that the risk reduction measures on packaging, as stated in the Commission Decision of 28 May 2009 notified under document number 2009/4020 points (4), (5), (6) and followed by the Commission

Regulation (EU) No 276/2010 of 31 March 2010, have significantly reduced the incidents linked to these products. This has also been confirmed by the available data from the poison control centers.

Referring to what has been declared in 2008; we want to inform the Committee of various changes that have occurred in the meantime. Since 2008 HSPA has addressed several topics, including the availability of alternative non-classified products, their potential use, their effectiveness and safety in lamp oil applications. HSPA confirms:

- Lamp oil and BBQ lighters classified as H304 are usually composed of products with low flammability, low toxicity and odorless liquid hydrocarbons – alternative products, indicated on pp. 22 and 35 of the above mentioned document. Already on the market are more hazardous substances e.g. ethanol, isopropyl alcohol, propyl alcohol, butyl alcohols, grill lighter gel, impregnated briquettes.
- Non flammable alternative products, listed in the Commission document 2009 on pp. 23, 27 and 34-35, as a result of the CLP application and subsequent amendments and changes have to be classified as well. In certain cases with a more stringent classification and a higher hazard potential than previously:
  - Distillates (petroleum), hydro-treated light paraffinic, belonging to the group “Paraffinic and naphthenic base oils, complex combination of hydrocarbons (C10-C50)” and some “distillates of high petroleum” also identified as “non-classified alternatives” (p. 23).
  - Low viscosity n-paraffins (C15-30) and paraffins (petroleum), normal, C5-20 (CAS no. 64771-72-8) are historical names with the R65 phrase. In their C&L they are always indicated as H304 labelled products.
  - 100% liquid paraffins (belonging to a CASno.8042-47-5 and having viscosity less or equal than 20.5 mm<sup>2</sup>/s at 40°C, mentioned on p. 27) is one of the historical names for the naphthenic paraffins, currently used in lamp oil, already classified as H304.
  - Other alternative names listed in the Commission document 2009 of the European Committee include e.g. lubricating oil, petroleum based C15-30, neutral oil, hydro-treated as indicated on p. 27. With the preparation of REACH dossier and with the use of the chronic toxicity data, these alternatives have also proved to be classified as hazardous to human health and the environment. The classification of

each alternative is then considered, at present, as more dangerous than the Hazard Aspiration cat. 1.

- The existing alternatives on the market have shown not to correspond to the technical characteristics met by the current products, specifically there have been detected failures for a large amount of carbon black fumes released during combustion and for some specific reason during or before the ignition process. In particular as mentioned on pp. 25-26 there are following problems:
  - Rapeseed methyl esters: due to a high viscosity and low flammability at normal conditions, they are “no suitable alternatives to most types of lamps and torches “(pp. 25 at the top).
  - Edenor LPL shows lower creep capability in the wick for the decorative lamp oil and in the Garden torches, has a very low brightness of the lamp in the pressure lamps and its applications and for this reason it cannot be used in any other grill lighters and lamp oil applications.
  - Poor cold properties of many of the alternatives will make them unsuitable for colder areas of the European Union around the year for example for lamp oil and hurricane lamp use.

In particular, we emphasize that in some areas of Europe, which hold the largest number of architectural treasures, the only lamp oils currently on the market are those used in the preparation of religious candles, which are characteristic for certain types of worship in Greece, Italy and Spain. This type of Lamp Oil has so far preserved frescoes and paintings in churches and religious buildings, as well as the UNESCO World Heritage Sites. Their replacement could irreparably cause damage to structures, with high religious and cultural value, otherwise inherited “untouched”.

Based on the above, the HSPA believes that the paraffinic hydrocarbons, currently used in the lamp oil and in grill lighter fluids, together with the appropriate precautions for packaging and labelling, prescribed by the European Authority in order to ensure the safety against the improper use, appear to be the only product that meets the safety and efficiency criteria for these specific applications.