

Aalten, 30th October 2009

Re: changes at Classification, Labelling and Packaging of substances and mixtures according chemical law.

With this letter we would like to inform you about the upcoming changes, due to the new EC-Regulation No 1272/2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (REACH). Also new restrictions relating on the marketing and use of Lampoil /Torch oil and Grill Liquid have been made by the decision of the EC Commission 2009/424/EC of 28th May of this year for changing the Regulation 76/769/EEC relating to the restrictions on the marketing and use of dangerous substances and preparations.

Tangibly spoken:

1. EC-Regulation No 1272/2008

The meaning of this regulation:

CLP is the Regulation on Classification, Labelling and Packaging of chemical substances and mixtures. This Regulation aligns previous EU legislation on classification, labelling and packaging of chemicals to the GHS (Globally Harmonised System of Classification and Labelling of Chemicals).

The European Commission and the EU Member States endorsed the UN recommendation to implement the GHS in domestic law. The recommendation was also supported by stakeholders from industry and non-governmental organisations. The publication of the adopted acts in the Official Journal before the end of 2008 makes the EU one of the international leaders in the actual uptake of the UN GHS.

What are the objectives?

Its main objectives are to facilitate international trade in chemicals and to maintain the existing level of protection of human health and environment. The GHS is a United Nations system to identify hazardous chemicals and to inform users about these hazards through standard symbols and phrases on the packaging labels and through safety data sheets (SDS).

The existing system for protecting the users of chemicals is based on the Dangerous Substances Directive (DSD - 67/548/EEC) and Dangerous Preparations Directive (DPD – 1999/45/EC). These Directives will gradually be replaced by the new Regulation 1272/2008 and finally withdrawn on 01-06-2015.

What does it mean in praxis?

- Sel Chemie B.V. will take care, that Classification of all your products will be made in time and that the labelling of the brands SEL and THE OLD DUTCH FARMLIGHT will be accomplished accordingly.
- Sel Chemie B.V. will give a recommendation for customers with Private Label and will agree with the customer when the new labelling will become effective.

What are the changes?

Users will start to see new pictograms, hazard and precautionary statements, and signal words on chemical labels as suppliers switch to the GHS system.

Although many of the GHS pictograms are similar to the existing EU system, they have been re-designed and given a new shape and colour.

This means that labels will have to be changed as follows:

- pictograms of EU system → pictograms of GHS system
- R (Risk) statements → H (Hazard) statements
- S (Safety) statements → P (Precautionary) statements
- Extra sentences with EUH-statements for special hazards

When are we changing?

The CLP Regulation entered into force on 20 January 2009. In order to give industry and users the time to adapt to this new system suppliers will be able to continue applying the 'old' legislation over a transitional period.

| Label | Old labelling | New labelling |
|-----------|---------------------------|--|
| Substance | Permitted until 1-12-2010 | Permitted from 20-01-2009 Obligatory from 1-12-2010 |
| Mixtures | Permitted until 1-06-2015 | Permitted from 20-01-2009 Obligatory from 1-06-2015 |

| Safety Data Sheet | Old Classification | New Classification |
|-------------------|----------------------------|--|
| Substance | Obligatory until 1-12-2010 | Permitted from 20-01-2009 Obligatory from 1-12-2010 |
| Mixtures | Obligatory until 1-06-2015 | Permitted from 20-01-2009 Obligatory from 1-06-2015 |

Substances must be classified, labelled and packaged according to CLP on 1 December 2010, though substances already on the shelves, produced before that date can continue to be supplied until 1 December 2012. The corresponding dates for mixtures are 1 June 2015 and 1 June 2017.

Further advice and information

Each Member State in the European Union has a national helpdesk. Details can be found at: http://echa.europa.eu/help/nationalhelp_contact_en.asp

The European Commission websites:

http://ec.europa.eu/enterprise/reach/ghs/index_en.htm

http://ec.europa.eu/environment/chemicals/ghs/index_en.htm

The ECHA site: http://echa.europa.eu/classification/clp_guidance_en.asp

2. Amended Directive 76/769/EEC respectively Enclosure XVII to EC-REACH-regulation 1907/2006

Without prejudice to the implementation of other Community provisions relating to the classification, packaging and labelling of dangerous substances and mixtures, suppliers shall ensure, before the placing on the market, that the following requirements are met:

lamp oils, labelled with R65 or H304, intended for supply to the general public are visibly, legibly and indelibly marked as follows: “Keep lamps filled with this liquid out of the reach of children”; and, by 1 December 2010, “Just a sip of lamp oil — or even sucking the wick of lamps — may lead to life-threatening lung damage”

grill lighter fluids, labelled with R65 or H304, intended for supply to the general public are legibly and indelibly marked by 1 December 2010 as follows: “Just a sip of grill lighter may lead to life-threatening lung damage”

lamp oils and grill lighters, labelled with R65 or H304, intended for supply to the general public are packaged in black opaque containers not exceeding 1 litre by 1 December 2010.

Decorative oil lamps for supply to the general public shall not be placed on the market unless they conform to the European Standard on Decorative oil lamps (EN 14059) adopted by the European Committee for Standardisation (CEN).

The date 1 December 2010 of this Directive is chosen, so it can enter into force simultaneous with the new CLP-regulations, for the classification of chemicals (see under number 1.).

New are the facts, that lamp oils and grill lighters, labelled with R65 or H304 from 1 December 2010 onwards may only be offered and sold in black opaque containers with a content of maximum 1 litre. On a voluntary base, the sentences on the labels to keep lamps out of reach of children and the remark that drinking a little bit of liquid can be life threatening, were already mentioned on the labels.

There is no transitional period for this amended Directive 76/769/EEC. We strongly recommend you to arrange that on 1 December 2010, there will be no old stocks left, because these stocks are not legally valid and cannot be sold anymore.

Sel Chemie B.V. can and will not take back any old stocks and can in no way be held responsible for eventual unsalable or dead stocks!

The thickfluid lampoil clear and lampoil coloured are not labelled with R65 or H304 and therefore are not affected of above mentioned restrictions.

Sel Chemie B.V. will assure that black bottles with a maximum content of 1 litre are available on time and that the labels will be changed correctly and on time.

3. Both changes of law, mentioned under point 1. and point 2. can be implemented before the reference date of 1 December 2010. But before the changes can be done the classification of the substances and mixtures must be finished. Sel Chemie B.V. depends on their suppliers. The classification for all products is unfortunately not done yet. Therefore it might be considered to execute the changes in two steps: first the black bottles, than the GHS.

We have to make arrangements with those customers who use Private Label and we kindly request you to think about the best way and contact us as soon as possible with regard to these changes.