North America's Leader in Hazardous Material Information Management

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MSDS PRODUCT INFORMATION

Date: 09/15/2009

To: MSDS Requester

From: 3E Company

Subject: The MSDS you have requested

[X] MSDS NOT REQUIRED

In response to your request for a Material Safety Data Sheet, according to the OSHA Hazard Communicatin Standard (Right-to-Know), the following item is an article. Articles are defined in 29 CFR 1910.1200(c). Products such as Drugs, cosmetics, food, or alcoholic beverages, wood or wood products, and tobacco or tobacco products, as defined in 29 CFR1910.1200(b)(6), are exempt from the Hazard Communication Standard. Items that are considered articles, as defined in 29 CFR 1910.1200(c), are also exempt from this Standard. Therefore, the manufacturer is not required to provide an MSDS for this product.

[ ] MSDS DISCONTINUED PRODUCT

In response to your request for a Material Safety Data Sheet, the manufacturer has discontinued the product listed below. The MSDS Attached is the most current version, or an MSDS is no longer available.

[ ] MSDS BEST COPY AVAILABLE

The MSDS attached is the best copy available from the manufacturer.

[ ] MANUFACTURER NO LONGER IN BUSINESS

In response to your request for a Material Safety Data Sheet, a current MSDS could not be obtained for this product. It has been determined that the manufacturer listed below is no longer in business. A current address and phone number could not be located.

Manufacturer: Yankee Candle Company, Inc.

Product Name: Yankee Candle Products (exempt)

Thank you for writing with your inquiry. I am writing in response to your request for Material Safety Data Sheets (MSDS) for finished products manufactured by this company. Unfortunately we are not able to comply with your request because we do not have MSDS for our finished products and we are not required to do so.

As you are undoubtedly aware, the requirement to prepare MSDS arises under the Hazard Communication Standard (HCS) promulgated by the federal Occupational Safety and Health Administration (OSHA). The purpose of the HCS is to ensure that employees are given information concerning the hazards of chemicals in the workplace. The HCS contains several exemptions. For example, it does not apply to cosmetics packaged for sale to consumers in a retail establishment, and it does not apply to "articles." The finished products manufactured by this company fall within the exemption for "articles."

OSHA has made it clear that a product may release small amounts of a chemical and still be considered exempt as an article. Examples of such products include pens or pencils, tires when in use, emissions from newly varnished furniture, and adhesive tapes. Although scented candles emit fragrances, any chemicals contained in those molecules are miniscule. In over thirty years of manufacturing, there is no evidence of harm to employees from any particles emitted from a finished scented candle, and there is no reason to believe that the fragrance molecules pose a physical hazard or risk of any kind.

Although this company is required and does provide to its employees MSDS on the materials that are used in the manufacturing process, it is not required and does not provide MSDS on the finished product. OSHA's discussions of cosmetics is helpful in demonstrating that the HCS was intended to protect employees in the intermediate processing stages of manufacturing only. According to OSHA, the HCS applies when cosmetics are
used in the workplace, as in beauty salons, but it does not apply when the cosmetics are in their end state ready for sale to consumers. The rationale for the distinction is that "even where these chemicals are hazardous chemicals…, they present little or no hazard to employees when they are in final packaged form for sale to consumers."

In this respect scented candles are quite similar to cosmetics. The oils used in the manufacture of candles are the same as those used in cosmetics and other personal care items, such as perfumes, soaps, and shampoos. Scented candles on the shelves of a store are no different from cosmetics packaged for sale to consumers in a retail establishment. Although certain individuals with chemical sensitivities may experience some difficulty in passing by the perfume counter in a department store or through the display aisle of scented candles in a Yankee wholesale account, there is no basis to conclude that the fragrance poses a health hazard of any kind to the employees in that store or the general public.

Finally, as I am sure you can understand, the components of our products are trade secrets protected by the HCS from general disclosure. The HCS contains specific provisions for disclosure of

trade secret information directly to a treating physician or nurse in emergency or first aid situations. In non-emergency situations this company is obligated to provide such information only to a "health professional…providing medical or other occupational health services to exposed employee (s), and to employees or designated representatives…" and only if specific requirements set forth in the regulation are met. 29 CFR §1900.1200(3). This company will be glad to respond to requests in either of these circumstances, but I am sure you will understand why it cannot comply with your request. In any case, the company cannot provide MSDS for its finished products for the reasons discussed above.

Please be assured that we do not wish to be uncooperative, but we obviously cannot provide to you documents that do not exist. We only wish to make clear that applicable OSHA regulations do not require us to maintain such documents with respect to our finished products. More importantly, we submit that there is no reason to believe that these products, pose any health risk whatsoever to the public at large. If you have any further questions, please feel free to contact customer service at 877-803-6890.

Sincerely,

Yankee Candle Company

Yankee Candle Customer Loyalty Team
The Yankee Candle Company, Inc.

Browse our What's New pages for fresh fragrances and the latest accessories. And, check out our Clearance Outlet for discounts of up to 75% off selected items.
Order tracking is available for orders placed though our website, phone, fax, or mail, within the past 90 days. It will take at least one business day for new order information to be displayed. You will find the link at the bottom of our home page at www.yankeecandle.com.
To contact Customer Service, email info@yankeecandle.com or call toll free, 877-803-6890. To place an order, please call 800-243-1776 or visit www.yankeecandle.com.
This message (including any attachments) may contain confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. Any disclosure, copying, or distribution of this message, or the taking of any action based on it is strictly prohibited.