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County of San Francisco

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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN FRANCISCO

CGC-25-625904

14 UNLIMITED CIVIL JURISDICTION

16 JAY EPPS,

17 Plaintiff,

18 v.

19 WAYFAIR LLC,

20 Defendant.

Case No. _____

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code §25249.5 *et seq.*)

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF

SFSC_WAYF_WAX

NATURE OF THE ACTION

1. This Complaint is a representative action brought by plaintiff Jay Epps in the public interest of the citizens of the State of California to enforce the People's right to be informed of the health hazard caused by exposures to toluene, which is a main ingredient found in clear and colored furniture wax manufactured by Briwax International Inc. (the Products). The Products are repackaged, stored, distributed, shipped and/or sold online and shipped to a consumer with an address in California (sold) by defendant Wayfair LLC (WAYFAIR or defendant).

2. By this Complaint, plaintiff seeks to remedy defendant's continuing failure to warn consumers and businesses not covered by California's Occupational Safety Health Act, Labor Code §§6300 *et seq.*, about the risks of exposure to toluene in the Products that are distributed and/or offered for online sale for use by California citizens. Individuals, consumers and businesses not covered by California's Occupational Safety Health Act, Labor Code §§6300 *et seq.*, are referred to hereinafter as "consumers."

3. Defendant has actual knowledge of the toluene content of Products which were and continue to be offered for purchase and/or transacted through wayfair.com.

4. Under the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health & Safety Code §§25249.6 *et seq.* (Proposition 65), "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual..." Health & Safety Code §25249.6.

5. Pursuant to Proposition 65, on January 1, 1991, California identified and listed toluene as a chemical known to cause birth defects and other reproductive harm. 27 Cal. Code Regs. §27001(b). Toluene became subject to the "clear and reasonable warning" requirements of the act twelve months later. Health & Safety Code §25249.8 and §25249.10(b).

6. Defendant imports, distributes, facilitates and/or otherwise offers for sale online the Products without the mandated health hazard warning for developmental toxicity in California. An example of a Product is Briwax Furniture Wax Polish - Cleans, Stains and Polishes, (1LB),

SKU AIWA1000. The universe of all toluene-containing furniture waxes, which are limited to those branded by Briwax International Inc., at issue are, as follows:

<i>PRODUCT NAME</i>
Briwax - Original - 16 oz, A - CLEAR
Briwax - Original - 16 oz, B – LIGHT BROWN
Briwax - Original - 16 oz, C – DARK BROWN
Briwax - Original - 16 oz, D – ANTIQUE MAHOGANY
Briwax - Original - 16 oz, E – GOLDEN OAK
Briwax - Original - 16 oz, F – EBONY
Briwax - Original - 16 oz, G – RUSTIC PINE
Briwax - Original - 16 oz, H – TUDOR BROWN
Briwax - Original - 16 oz, I – MID-BROWN / DARK OAK
Briwax - Original - 16 oz, J – TEAK
Briwax - Original - 16 oz, K – NEW SLATE GREY
Briwax - Original - 16 oz, L – NEW SILVER GREY
Briwax - Original - 3.5 Liter, M – CLEAR
Briwax - Original - 3.5 Liter, N – EBONY
Briwax - Original - 3.5 Liter, O – LIGHT BROWN
Briwax - Original - 3.5 Liter, P – DARK BROWN
Briwax - Original - 3.5 Liter, R – ANTIQUE MAHOGANY
Briwax - Original - 3.5 Liter, S – GOLDEN OAK
Briwax - Original - 3.5 Liter, T – TUDOR BROWN
Briwax - Original - 3.5 Liter, U – MID BROWN / DARK OAK
Briwax - Original - 3.5 Liter, V – TEAK
Briwax - Original - 3.5 Liter, X – RUSTIC PINE

7. Defendant's failure to warn consumers and other individuals in California of the developmental hazard associated with exposures to toluene, which bears the chemical abstracts service (CAS) number: 108-88-3, in conjunction with each online sale of the Products are violations of Proposition 65 which subjects defendant to be enjoined of such further conduct as well as assessed civil penalties for such acts. Health & Safety Code §25249.7(a) and (b)(1).

8. For defendant's violations and threatened violations of Proposition 65, plaintiff seeks preliminary and permanent injunctive relief to compel defendant to provide purchasers of the Products with the required warning regarding the specific health hazard associated with exposures to toluene prior to sale. Health & Safety Code §25249.7(a).

9. Pursuant to Health & Safety Code §25249.7(b), plaintiff also seeks civil fines against defendant for its violations of Proposition 65, dating back as far as May 30, 2021.

PARTIES

10. Plaintiff Jay Epps is a citizen of the State of California who is dedicated to protecting the health of California citizens through the elimination or reduction of toxic exposures from consumer products, and he brings this action in the public interest pursuant to Health & Safety Code §25249.7(d).

11. WAYFAIR is person in the course of doing business within the meaning of Health & Safety Code §§25249.6 and 25249.11.

12. WAYFAIR imports, distributes, sells and/or offers the Products for sale online and are shipped to an address in California, or implies by its conduct that it imports, distributes, sells, and/or offers the Products for sale online and are shipped to an address in California. One or more of the Products offered for sale by WAYFAIR were or likely to have been supplied to it by entities that are not subject to enforcement under Proposition 65 because: (i) they have fewer than ten employees during all relevant periods; and/or (ii) do not have an agent for process of service in California.

VENUE AND JURISDICTION

13. Venue is proper in the Superior Court for the County of San Francisco pursuant to Code of Civil Procedure §§393, 395, and 395.5, because this Court is a court of competent jurisdiction, because plaintiff seeks civil penalties against defendant, one or more instances of wrongful conduct occurred, and continue to occur, in this county, and/or defendant conducted, and continue to conduct business in San Francisco.

14. The California Superior Court has jurisdiction over this action pursuant to California Constitution Article VI, section 10, which grants the Superior Court “original jurisdiction in all causes except those given by statute to other trial courts.” The statute under which this action is brought does not specify any other basis of subject matter jurisdiction.

15. The California Superior Court has jurisdiction over defendant based on plaintiff's information and good faith belief that defendant is a person, firm, corporation has a principal office or association that is a citizen of the State of California, has sufficient minimum contacts in the State of California, and/or otherwise purposefully avails itself of the California market. Defendant's purposeful availment renders the exercise of personal jurisdiction (specific, limited or both) by California courts consistent with traditional notions of fair play and substantial justice.

FIRST CAUSE OF ACTION

(Violation of Proposition 65)

16. Plaintiff realleges and incorporates by reference, as if fully set forth herein, Paragraphs 1 through 15, inclusive.

17. In enacting Proposition 65, in the preamble to the Safe Drinking Water and Toxic Enforcement Act of 1986, the People of California expressly declared their right “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.”

18. Proposition 65 states, “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual...” Health & Safety Code §25249.6.

19. On February 28, 2025, plaintiff served a 60-Day Notice of Violation (Notice), together with the requisite certificates of merit, on WAYFAIR, the California Attorney General's Office, and the requisite public enforcement agencies alleging that, as a result of defendant's sales of Briwax-branded clear and colored furniture wax, consumers in California were and likely continue to be exposed to toluene from the reasonably foreseeable use of the Products, without them first receiving a "clear and reasonable warning" at the time of their online purchase of the

1 furniture wax on wayfair.com regarding the developmental harm associated with such exposures,
2 as required by Proposition 65.

3 20. Defendant imported, distributed, facilitated for sale, sold, and/or offered the
4 Products for sale or use on its website in violation of Health & Safety Code §25249.6, as far back
5 as May 30, 2021 (relevant period). Defendant's violations likely have continued beyond its
6 receipt of the Notice. As such, defendant's violations are allegedly ongoing and, unless enjoined,
7 will continue to occur.

8 21. After receiving the Notice, no public enforcement agency has commenced and
9 diligently prosecuted a cause of action against defendant under Proposition 65 to enforce the
10 alleged violations that are the subject of plaintiff's sixty-day letter dated February 28, 2025.

11 22. The Products that defendant offers for sale and sold cause exposure to toluene as a
12 result of the reasonably foreseeable use. Defendant did not provide a compliant warning for the
13 risk of developmental toxicity linked to toluene exposure on its website in a clear and conspicuous
14 manner, if at all, during the relevant period.

15 23. Defendant has (and has had at all relevant times) actual knowledge that the Products
16 contain toluene.

17 24. Toluene is present in amounts up to 90% by weight in the Products, as indicated by
18 Briwax International Inc., in its safety data sheets (SDS). An example of an SDS is attached here
19 as Exhibit A. As a result, such Products expose consumers to the solvent by way of inhalation
20 during a reasonably foreseeable use.

21 25. The normal and reasonably foreseeable use of the Products has caused, and
22 continues to cause, consumer product exposures to toluene as defined by 27 California Code of
23 Regulations §25600.1(e) as set forth in the Notice.

24 26. Defendant knows that the normal and reasonably foreseeable use of the Products
25 exposes individuals to toluene through route of inhalation.

26 27. Defendant intends that exposures to toluene from the reasonably foreseeable use of
27 the Products will occur by its deliberate, non-accidental participation in the importation,
28

1 distribution, sale, and/or offering of the Products for sale or use to consumers and others in
2 California.

3 28. Defendant failed to provide a “clear and reasonable warning” on its website to
4 those consumers and other citizens in California who have been, or who will be, exposed to
5 toluene through inhalation resulting from their use of the Products.

6 29. Contrary to the express policy and statutory prohibition of Proposition 65 enacted
7 directly by California voters, consumers exposed to toluene as a result of their use of the Products
8 that defendant sold without a “clear and reasonable” health hazard warning, have suffered, and
9 continue to suffer, irreparable harm for which they have no plain, speedy, or adequate remedy at
10 law.

11 30. Pursuant to Health & Safety Code §25249.7(b), as a consequence of the above-
12 described acts, defendant is liable for a maximum civil penalty of \$2,500 per day for each
13 violation.

14 31. As a consequence of the above-described acts, Health & Safety Code §25249.7(a)
15 also specifically authorizes the Court to grant injunctive relief against defendant.

16 **PRAYER FOR RELIEF**

17 Wherefore, plaintiff prays for judgment against defendant as follows:

18 1. That the Court, pursuant to Health & Safety Code §25249.7(b), assess civil
19 penalties against defendant, in the amount of \$2,500 per day for each violation that occurred since
20 May 30, 2021;

21 2. That the Court, pursuant to Health & Safety Code §25249.7(a), preliminarily and
22 permanently enjoin defendant from importing, distributing, or offering the Products for sale online
23 in California without first providing a “clear and reasonable warning” regarding the harm
24 associated with exposures to toluene unless they are reformulated to eliminate the toxicant;

25 4. That the Court, pursuant to Health & Safety Code §25249.7(a), mandate defendant
26 to contact each California online purchaser of the Products that were sold in violation of Health &
27
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1 Safety Code §25249.6 and refund them of the monies paid to WAYFAIR for each such
2 transaction;

3 5. That the Court grant plaintiff his reasonable attorneys' fees and costs of suit; and

4 6. That the Court grant such other and further relief as may be just and proper.
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6 Dated: June 3, 2025

Respectfully submitted,

7 CHANLER, LLC

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9 By: _____

10 Clifford A. Chanler

11 Attorneys for Plaintiff
12 JAY EPPS
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EXHIBIT A



SECTION 1: Identification of the substance/mixture and of the company/undertaking

Product Identifier

Product form: Substance

Substance name: BRIWAX Original

CAS #.: 108-88-3

Formula: Toluene 60-90%

Intended Use Of The Product

Use of the substance/mixture: Furniture polish

Name, Address, And Telephone Of The Responsible Party (Distributor)

Location:

BRIWAX International, Inc.
2920 Billings Ave. Unit D
Helena, MT 59601

Mailing Address:

PO BOX 5662
Helena, MT 59604
1-800-5-BRIWAX Fax: 972-867-8960

Transportation:

Emergency telephone number

Call Chemtrec, 1-800-424-9300

For Chemical Emergency, Spill, Leak, Fire, Exposure, or Accident, **Call Chemtrec, 1-800-424-9300**

SECTION 2: Hazards identification

OSHA/HCS status:

This material is considered hazardous by the OSHA Hazard Communication Standard (29 CFR 1910.1200).

Classification of the substance or mixture:

FLAMMABLE LIQUIDS - Category 3

SKIN CORROSION/IRRITATION - Category 2

SERIOUS EYE DAMAGE/ EYE IRRITATION - Category 2A

CARCINOGENICITY - Category 2

SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) (Respiratory tract irritation) - Category 3

SPECIFIC TARGET ORGAN TOXICITY (SINGLE EXPOSURE) (Narcotic effects) -Category 3

SPECIFIC TARGET ORGAN TOXICITY (REPEATED EXPOSURE) - Category 2

ASPIRATION HAZARD - Category 1

Percentage of the mixture consisting of ingredient(s) of unknown toxicity: 60-90%

GHS label elements Hazard pictograms:



Signal word (GHS-US) : Danger

SECTION 2: Hazards identification (cont.)

Hazard statements:

Flammable liquid and vapor.

Causes serious eye irritation.

Causes skin irritation.

Suspected of causing cancer.

May be fatal if swallowed and enters airways.

May cause respiratory irritation.

May cause drowsiness and dizziness.

May cause damage to organs through prolonged or repeated exposure.

Precautionary statements

General: Read label before use. Keep out of reach of children. If medical advice is needed, have product container or label at hand.

Prevention: Obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Wear protective gloves. Wear eye or face protection. Wear protective clothing. Keep away from heat, hot surfaces, sparks, open flames and other ignition sources. No smoking. Use explosion-proof electrical, ventilating, lighting and all material-handling equipment. Use only non-sparking tools. Take precautionary measures against static discharge. Keep container tightly closed. Use only outdoors or in a well-ventilated area. Do not breathe vapor. Wash hands thoroughly after handling.

Response: Get medical attention if you feel unwell. IF exposed or concerned: Get medical attention. IF INHALED: Remove to fresh air. If breathing is difficult, have a trained professional administer oxygen. If not breathing, give artificial respiration and have a trained individual administer oxygen. Get medical attention immediately or Call POISON CONTROL CENTER. IF SWALLOWED: Call POISON CONTROL CENTER immediately. Do not induce vomiting and seek medical attention immediately. Drink two glasses of water or milk to dilute. Provide medical care provider with this SDS. Induce vomiting as a last measure. Induced vomiting may lead to aspiration of this material into the lungs potentially causing chemical pneumonitis that may be fatal.. IF IN EYES: Immediately flush eyes with plenty of water for at least 20 minutes retracting eyelids often. Tilt the head to prevent chemical from transferring to the uncontaminated eye. Get immediate medical attention and monitor the eye daily as advised by your physician.

Storage: Store locked up. Store in a well-ventilated place. Keep cool.

Disposal: Dispose of contents and container in accordance with all local, regional, national and international regulations.

Supplemental label elements: DANGER: Rags, steel wool, other waste soaked with this product, and sanding residue may spontaneously catch fire if improperly discarded. Immediately place rags, steel wool, other waste soaked with this product, and sanding residue in a sealed, water-filled, metal container. Dispose of in accordance with local fire regulations. DELAYED EFFECTS FROM LONG TERM OVEREXPOSURE. Contains solvents which can cause permanent brain and nervous system damage. Intentional misuse by deliberately concentrating and inhaling the contents can be harmful or fatal. WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

Please refer to the SDS for additional information. Do not transfer contents to other containers for storage.

Hazards not otherwise classified: None known.

SECTION 3: Composition / Information on ingredients

Substance/mixture: Mixture

Other means of identification: Not available.

CAS number/other identifiers:

Ingredient name	% by weight	CAS number
Toluene	60-90	108-88-3

Any concentration shown as a range is to protect confidentiality or is due to batch variation.

There are no additional ingredients present which, within the current knowledge of the supplier and in the concentrations applicable, are classified as hazardous to health and hence require reporting in this section.

SECTION 4: First Aid Measures

Description of necessary first aid measures

Eye contact: Immediately flush eyes with plenty of water for at least 20 minutes retracting eyelids often. Tilt the head to prevent chemical from transferring to the uncontaminated eye. Get immediate medical attention and monitor the eye daily as advised by your physician.

Inhalation: Remove to fresh air. If breathing is difficult, have a trained professional administer oxygen. If not breathing, give artificial respiration and have a trained individual administer oxygen. Get medical attention immediately.

Skin contact: Wash with soap and water. Remove contaminated clothing and launder. Get medical attention if irritation develops or persists.

Ingestion: Do not induce vomiting and seek medical attention immediately. Call a poison control center or physician. Drink two glasses of water or milk to dilute. Provide medical care provider with this SDS. Induce vomiting as a last measure. Induced vomiting may lead to aspiration of this material into the lungs potentially causing chemical pneumonitis that may be fatal.

Most important symptoms/effects, acute and delayed

Potential acute health effects

Eye contact:: Contact with the eyes may cause moderate to severe eye injury. Eye contact may result in tearing and reddening, but not likely to permanently injure eye tissue. Temporary vision impairment (cloudy or blurred vision) is possible.

Inhalation: Can cause moderate respiratory irritation, dizziness, weakness, fatigue, nausea and headache. Harmful! Can cause systemic damage to Nervous System, Kidneys, Liver, Eyes, Skin or Respiratory Tract.

Skin contact: Causes skin irritation.

Ingestion: Adverse symptoms may include the following:

- respiratory tract irritation
- coughing
- nausea or vomiting
- headache
- drowsiness/fatigue
- dizziness/vertigo
- unconsciousness

SECTION 4: First Aid Measures (cont.)

Over-exposure signs/symptoms

Eye contact: Adverse symptoms may include the following:

- pain or irritation
- watering
- redness

Inhalation: Adverse symptoms may include the following:

- respiratory tract irritation
- coughing
- nausea or vomiting
- headache
- drowsiness/fatigue
- dizziness/vertigo
- unconsciousness

Skin contact: Adverse symptoms may include the following:

- irritation
- redness

Ingestion: Adverse symptoms may include the following:

- nausea or vomiting

Indication of immediate medical attention and special treatment needed, if necessary

Notes to physician: Treat symptomatically. Contact poison treatment specialist immediately if large quantities have been ingested or inhaled.

Specific treatments: No specific treatment

Protection of first-aiders: No action shall be taken involving any personal risk or without suitable training. If it is suspected that fumes are still present, the rescuer should wear an appropriate mask or self-contained breathing apparatus. It may be dangerous to the person providing aid to give mouth-to-mouth resuscitation.

See toxicological information (Section 11)

SECTION 5: Fire-fighting measures

Extinguishing media

Suitable extinguishing media: Alcohol foam; Carbon dioxide; Dry chemical

Unsuitable extinguishing media: Do not use water jet.

Specific hazards arising from the chemical: Flammable liquid and vapor. In a fire or if heated, a pressure increase will occur and the container may burst, with the risk of a subsequent explosion. The vapor/gas is heavier than air and will spread along the ground. Vapors may accumulate in low or confined areas or travel a considerable distance to a source of ignition and flash back. Runoff to sewer may create fire or explosion hazard.

Hazardous thermal decomposition products: Decomposition products may include the following materials:

- carbon dioxide
- carbon monoxide

SECTION 5: Fire-fighting measures (cont.)

Special protective actions for fire-fighters: Promptly isolate the scene by removing all persons from the vicinity of the incident if there is a fire. Fight fire from a safe distance and a protected location due to the potential of hazardous vapors and decomposition products. Flammable component(s) of this material may be lighter than water and burn while floating on the surface. Use water spray/fog for cooling.

Special protective equipment for fire-fighters: Fire-fighters should wear appropriate protective equipment and self-contained breathing apparatus (SCBA) with a full face-piece operated in positive pressure mode.

SECTION 6: Accidental release measures

Personal precautions, protective equipment and emergency procedures

For non-emergency personnel: Exposure to the spilled material may be irritating or harmful. Also consider the expertise of employees in the area responding to the spill. Evaporation of volatile substances can lead to the displacement of air creating an environment that can cause asphyxiation.

For emergency responders: Follow personal protective equipment recommendations found in Section 8 of this SDS on suitable and unsuitable materials. Additional precautions may be necessary based on special circumstances created by the spill occurred. See also the information in "For nonemergency personnel".

Environmental precautions: Avoid dispersal of spilled material and runoff and contact with soil, water ways, drains and sewers. Inform the relevant authorities if the product has caused environmental pollution (sewers, waterways, soil or air).

Methods and materials for containment and cleaning up

Small spill: Stop leak if without risk. Move containers from spill area. Use spark-proof tools and explosion-proof equipment. Dilute with water and mop up if water-soluble. Alternatively, or if water-insoluble, absorb with an inert dry material and place in an appropriate waste disposal container. Dispose of via a licensed waste disposal contractor.

Large spill: Stop leak if without risk. Move containers from spill area. Use spark-proof tools and explosion-proof equipment. Approach release from upwind. Prevent entry into sewers, water courses, basements or confined areas. Wash spillages into an effluent treatment plant or proceed as follows. Contain and collect spillage with non-combustible, absorbent material e.g. sand, earth, vermiculite or diatomaceous earth and place in container for disposal according to local regulations (see Section 13). Dispose of via a licensed waste disposal contractor. Contaminated absorbent material may pose the same hazard as the spilled product. Note: see Section 1 for emergency contact information and Section 13 for waste disposal.

SECTION 7: Handling and storage

Precautions for safe handling

Protective measures: Put on appropriate personal protective equipment (see Section 8). Avoid exposure - obtain special instructions before use. Do not handle until all safety precautions have been read and understood. Do not get in eyes or on skin or clothing. Do not breathe vapor or mist. Do not swallow. Use only with adequate ventilation. Wear appropriate respirator when ventilation is inadequate. Do not enter storage areas and confined spaces unless adequately ventilated. Keep in the original container or an approved alternative made from a compatible material, kept tightly closed when not in use. Store and use away from heat, sparks, open flame or any other ignition source. Use explosion-proof electrical (ventilating, lighting and material handling) equipment. Use only non-sparking tools. Take precautionary measures against electrostatic discharges. Empty containers retain product residue and can be hazardous. Do not reuse container.

SECTION 7: Handling and storage (cont.)

Advice on general occupational hygiene: Eating, drinking and smoking should be prohibited in areas where this material is handled, stored and processed. Workers should wash hands and face before eating, drinking and smoking. Remove contaminated clothing and protective equipment before entering eating areas. See also Section 8 for additional information on hygiene measures.

Conditions for safe storage, including any incompatibilities: Store in accordance with local regulations. Store in a segregated and approved area. Store in original container protected from direct sunlight in a dry, cool and well-ventilated area, away from incompatible materials (see Section 10) and food and drink. Store locked up. Eliminate all ignition sources. Separate from oxidizing materials. Keep container tightly closed and sealed until ready for use. Containers that have been opened must be carefully resealed and kept upright to prevent leakage. Do not store in unlabeled containers. Use appropriate containment to avoid environmental contamination.

SECTION 8: Exposure controls / personal protection

Control parameters

Ingredient name	Occupational exposure limits
Toluene	ACGIH TLV: TWA 50 ppm (188 mg/m ³) ACGIH STEL: None NIOSH REL: TWA 100 ppm (375 mg/m ³) ST 150 ppm (560 mg/m ³) OSHA PEL†: TWA 200 ppm C 300 ppm 500 ppm (10-minute maximum peak)

Appropriate engineering controls: Use only with adequate ventilation. Use process enclosures, local exhaust ventilation or other engineering controls to keep worker exposure to airborne contaminants below any recommended or statutory limits. The engineering controls also need to keep gas, vapor or dust concentrations below any lower explosive limits. Use explosion-proof ventilation equipment.

Environmental exposure controls: Emissions from ventilation or work process equipment should be checked to ensure they comply with the requirements of environmental protection legislation. In some cases, fume scrubbers, filters or engineering modifications to the process equipment will be necessary to reduce emissions to acceptable levels.

Individual protection measures

Hygiene measures: Wash hands, forearms and face thoroughly after handling chemical products, before eating, smoking and using the lavatory and at the end of the working period. Appropriate techniques should be used to remove potentially contaminated clothing. Wash contaminated clothing before reusing. Ensure that eyewash stations and safety showers are close to the workstation location.

Personal protective equipment: Fireproof clothing. Insufficient ventilation: wear respiratory protection. Protective goggles. Gloves - Nitrile, Neoprene



Eye/face protection: Safety eyewear complying with an approved standard should be used when a risk assessment indicates this is necessary to avoid exposure to liquid splashes, mists, gases or dusts. If contact is possible, the following protection should be worn, unless the assessment indicates a higher degree of protection: chemical splash goggles.

SECTION Exposure controls / personal protection (cont.)

Skin protection

Hand protection: Chemical-resistant, impervious gloves complying with an approved standard should be worn at all times when handling chemical products if a risk assessment indicates this is necessary. Considering the parameters specified by the glove manufacturer, check during use that the gloves are still retaining their protective properties. It should be noted that the time to breakthrough for any glove material may be different for different glove manufacturers. In the case of mixtures, consisting of several substances, the protection time of the gloves cannot be accurately estimated.

Body protection: Personal protective equipment for the body should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product. When there is a risk of ignition from static electricity, wear antistatic protective clothing. For the greatest protection from static discharges, clothing should include anti-static overalls, boots and gloves.

Other skin protection: Appropriate footwear and any additional skin protection measures should be selected based on the task being performed and the risks involved and should be approved by a specialist before handling this product.

Respiratory protection: Use a properly fitted, air-purifying or air-fed respirator complying with an approved standard if a risk assessment indicates this is necessary. Respirator selection must be based on known or anticipated exposure levels, the hazards of the product and the safe working limits of the selected respirator.

SECTION Physical and chemical properties

Appearance

Physical state: Liquid.

Color: Colorless to pale amber for product marked clear. Color appropriate for all other colors.

Odor: Moderate Aromatic

pH: Not applicable

Melting point: Not available.

Boiling point: 111°C (231.8°F)

Flash point: 7°C (45°F)

Evaporation rate: 0.5-2 (n Butyl acetate = 1)

Flammability (solid, gas): Not Available

Lower and upper explosive (flammable) limits: Lower: 1% / Upper: 6%

Vapor pressure: No Available

Vapor density: 5 [Air = 1] Heavier than air. Vapors that evolve from this product will tend to settle and accumulate near the floor.

Relative density: 0.725 g/ml / 7.227 lbs/gal

Solubility: Negligible: 0-1%

Partition coefficient: noctanol/water: Not Available

Auto-ignition temperature: 480°C (896°F)

Decomposition temperature: Not Available

Viscosity: Not Available

Molecular weight: Not Available

Volatile Organic Chemicals (VOC): 544 g/l

SECTION 10: Stability and reactivity

Reactivity: No specific test data related to reactivity available for this product or its ingredients.

Chemical stability: Stable under normal conditions.

Possibility of hazardous reactions: Under normal conditions of storage and use, hazardous reactions will not occur.

Conditions to avoid: Avoid all possible sources of ignition (spark or flame). Do not pressurize, cut, weld, braze, solder, drill, grind or expose containers to heat or sources of ignition. Do not allow vapor to accumulate in low or confined areas. Avoid elevated temperatures

Incompatible materials: Reactive or incompatible with the following materials: oxidizing materials.

Hazardous decomposition products: Under normal conditions of storage and use, hazardous decomposition products should not be produced.

SECTION 11: Toxicological information

Information on toxicological effects

Acute toxicity: This material is likely to be severely irritating to eyes based on animal data. This material is likely to be moderately irritating to skin based on animal data. Likely to be moderately toxic based on the following animal studies.

Ingredient:	NIOSH Result: LD50 / LC50
Toluene	Inhalation LC50 Rat: 49 gm/m3/4H; Inhalation LC50 Mouse : 400 ppm/24H; Oral LD50 Rat : 636 mg/kg; Dermal LD50 Rabbit : 14100 uL/kg

Sensitization: Not available.

Mutagenicity: No data available to indicate product or any components present at greater than 0.1% is mutagenic and genotoxic.

Carcinogenicity: None of the substances have been shown to cause cancer in long term animal studies. Not a carcinogen according to NTP, IARC, or OSHA.

Reproductive toxicity: No data available to indicate product or any components present at greater than 0.1% may cause birth defect.

Teratogenicity: Not Available.

Specific target organ toxicity (single exposure): Toluene: Nervous System; Kidneys; Liver; Eyes; Skin; Respiratory Tract.

Specific target organ toxicity (repeated exposure): Toluene: Nervous System; Kidneys; Liver; Eyes; Skin; Respiratory Tract.

Aspiration hazard: Toluene: Aspiration Hazard - Category 1

Information on the likely routes of exposure: Contact; Inhalation; Absorption

Potential acute health effects

Eye contact: Contact with the eyes may cause moderate to severe eye injury. Eye contact may result in tearing and reddening, but not likely to permanently injure eye tissue. Temporary vision impairment (cloudy or blurred vision) is possible.

Inhalation: Can cause moderate respiratory irritation, dizziness, weakness, fatigue, nausea and headache.

SECTION 11: Toxicological information (cont.)

Skin contact: Can cause moderate skin irritation, defatting and dermatitis. Not likely to cause permanent damage.

Ingestion: Irritating to mouth, throat, and stomach. Can cause abdominal discomfort, nausea, vomiting and diarrhea. Aspiration of material into the lungs can cause chemical pneumonitis which can be fatal.

Symptoms related to the physical, chemical and toxicological characteristics

Eye contact: Adverse symptoms may include the following:

- pain or irritation
- watering
- redness

Inhalation: Adverse symptoms may include the following:

- respiratory tract irritation
- coughing
- nausea or vomiting
- headache
- drowsiness/fatigue
- dizziness/vertigo
- unconsciousness

Skin contact: Adverse symptoms may include the following:

- irritation
- redness

Ingestion: Adverse symptoms may include the following:

- nausea or vomiting

Numerical measures of toxicity

Acute toxicity estimates: Not available.

SECTION 12: Ecological information

Toxicity

Product / ingredient name	Result
Toluene	Moderate ecological hazard. This product may be dangerous to plants and/or wildlife.

Persistence and degradability: No data

Mobility in soil

Soil/water partition

coefficient (KOC): No Data

Other adverse effects: No known significant effects or critical hazards.

SECTION 13: Disposal considerations






Disposal methods: The generation of waste should be avoided or minimized wherever possible. Disposal of this product, solutions and any by-products should at all times comply with the requirements of environmental protection and waste disposal legislation and any regional local authority requirements. Dispose of surplus and non-recyclable products via a licensed waste disposal contractor. Waste should not be dis-

SECTION 13: Disposal considerations (cont.)

posed of untreated to the sewer unless fully compliant with the requirements of all authorities with jurisdiction. Waste packaging should be recycled. Incineration or landfill should only be considered when recycling is not feasible. This material and its container must be disposed of in a safe way. Care should be taken when handling emptied containers that have not been cleaned or rinsed out. Empty containers or liners may retain some product residues. Vapor from product residues may create a highly flammable or explosive atmosphere inside the container. Do not cut, weld or grind used containers unless they have been cleaned thoroughly internally. Avoid dispersal of spilled material and runoff and contact with soil, waterways, drains and sewers.

Substances subject to EPA Land Ban: U220 Toluene

SECTION 14: Transportation information

	DOT Classification	TDG Classification	MEXICO Classification	IATA	IMDG
UN number	UN1263	UN1263	UN1263	UN1263	UN1263
UN proper shipping name	PAINT	PAINT	PAINT	PAINT	PAINT
Transport hazard class(es)	3 	3 	3 	3 	3 
Packing group	III	III	III	III	III
Environmental hazards	D001	D001	D001	D001	D001
Additional information	This product may be re-classified as "Combustible Liquid," unless transported by vessel or aircraft. Non-bulk packages (less than or equal to 119 gal) of combustible liquids are not regulated as hazardous materials.	Product classified as per the following sections of the Transportation of Dangerous Goods Regulations: 2.18-2.19 (Class 3). Special provisions Not Applicable	Special provisions (ERG#128)	Special provisions Not Applicable	Emergency schedules (EmS) F-E, S-E

Transport in bulk according to Annex II of MARPOL 73/78 and the IBC Code: Not Available

Proper shipping name :

Ship type : Paint Related Material

Pollution category : 3

SECTION 14: Transportation information (cont.)

Special precautions for user: Multi-modal shipping descriptions are provided for informational purposes and do not consider container sizes. The presence of a shipping description for a particular mode of transport (sea, air, etc.), does not indicate that the product is packaged suitably for that mode of transport. All packaging must be reviewed for suitability prior to shipment, and compliance with the applicable regulations is the sole responsibility of the person offering the product for transport. People loading and unloading dangerous goods must be trained on all of the risks deriving from the substances and on all actions in case of emergency situations.

SECTION 15: Regulatory information

SARA 313

SARA 313 (40 CFR 372.45) supplier notification can be found on the Environmental Data Sheet.US Federal regulations

Toluene (108-88-3)	
Listed on the United States TSCA (Toxic Substances Control Act) inventory	
EPA TSCA Regulatory Flag	T - T - indicates a substance is the subject of s Section 4 test rule under TSCA

US State regulations

Toluene (108-88-3)	
State or local regulations	U.S. - California - Substances known to cause cancer or reproductive harm

California Prop. 65

WARNING: This product contains chemicals known to the State of California to cause cancer and birth defects or other reproductive harm.

SECTION 16: Other information

Hazardous Material Information System (U.S.A.)

Health	*	2
Flammability		2
Physical hazards		0

The customer is responsible for determining the PPE code for this material.

Procedure used to derive the classification

Classification	Justification
Flam. Liq. 3, H226	On basis of test data
Skin Irrit. 2, H315	Calculation method
Eye Irrit. 2A, H319	Calculation method
Carc. 2, H351	Calculation method
STOT SE 3, H335	Calculation method

SECTION 16: Other information (cont.)

Classification (cont.)	Justification (cont.)
STOT SE 3, H336	Calculation method
STOT RE 2, H373	Calculation method
Asp. Tox. 1, H304	Calculation method

Key to abbreviations :

ATE = Acute Toxicity Estimate

BCF = Bioconcentration Factor

GHS = Globally Harmonized System of Classification and Labelling of Chemicals

IATA = International Air Transport Association

IBC = Intermediate Bulk Container

IMDG = International Maritime Dangerous Goods

LogPow = logarithm of the octanol/water partition coefficient

MARPOL 73/78 = International Convention for the Prevention of Pollution From Ships, 1973 as modified by the Protocol of 1978. ("Marpol" = marine pollution)

UN = United Nations

Notice to reader

It is recommended that each customer or recipient of this Safety Data Sheet (SDS) study it carefully and consult resources, as necessary or appropriate, to become aware of and understand the data contained in this SDS and any hazards associated with the product. This information is provided in good faith and believed to be accurate as of the effective date herein. However, no warranty, express or implied, is given. The information presented here applies only to the product as shipped. The addition of any material can change the composition, hazards and risks of the product. Regulatory requirements are subject to change and may differ between various locations and jurisdictions. The customer/buyer/user is responsible to ensure that his activities comply with all country, federal, state, provincial or local laws. The conditions for use of the product are not under the control of the manufacturer; the customer/buyer/user is responsible to determine the conditions necessary for the safe use of this product. The customer/buyer/user should not use the product for any purpose other than the purpose shown in the applicable section of this SDS without first referring to the supplier and obtaining written handling instructions. Due to the proliferation of sources for information such as manufacturer-specific SDS, the manufacturer cannot be responsible for SDSs obtained from any other source.

This information is based on our current knowledge and is intended to describe the product for the purposes of health, safety and environmental requirements only. It should not therefore be construed as guaranteeing any specific property of the product.

SDS US (GHS HazCom) - US Only