



Statement in response to the public consultation on potential candidates for substitution for MBM

Outlined below are the views of FUCHS Group EUROPE on the potential reclassification of formaldehyde releasing biocides - particularly MBM - according to their potential releasable formaldehyde.

The industry in which FUCHS operates is attempting to move towards an ecologically sound and sustainable process, through manufacture and use of the lubricant products on the market place. This includes moving to renewable sources, and where possible using water as a main ingredient in metalworking fluids. This water is added by the end user, reducing ecological impact of manufacture, transport, and disposal of large amounts of neat oil based metal working fluid.

With the use of the water, which reduces the amount of mineral or renewably sourced oil in a machining environment by up to 95%, the system must be somehow protected from bacterial contamination.

There are already a restricted number of active substances for this protection, approved for PT13 operations, and by the proposed reclassification of Methylene Bismorpholine (MBM) and possible subsequent reclassification of all other biocides in its formaldehyde donor family, the majority of these would have to be removed from the market.

Since it is clear that the protection provided by formaldehyde releasers is offered along the lifetime of a water miscible metalworking fluid, it is clear that the formaldehyde is not released in an instant, but over a long period of time, and it is the belief of FUCHS Group EUROPE that this biocide family should be classified accordingly.

By removing a whole family of biocidal products from the market place, the industry runs the risk of creating a strain of bacteria which is tolerant to all available biocides. With a larger spectrum of products available for the protection of the functionality of the fluids, we provide a safer environment for the end user, where the risk of handling a heavily biologically contaminated metalworking fluid far outweighs the risk of handling an emulsion or solution where a small inclusion of formaldehyde releaser is present. Heavily biologically contaminated water miscible metal working fluids have been linked to allergic extrinsic alveolitis, occupational asthma, skin complaints, and put simply, an unpleasant working environment.

Since the responsibility lies with the employer to protect their employees from these complaints, the removal of this family of biocides will not only have undesired consequences for the manufacturers of the active substances and blenders of metalworking fluids, it will predominantly affect all end user companies.

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The CLP REGULATION (EC) No 1272/2008 states that "Where a substance contains another substance, itself classified as hazardous, whether in the form of an identified impurity, additive or individual constituent, this shall be taken into account for the purposes of classification, if the concentration of the identified impurity, additive or individual constituent is equal to, or greater than, the applicable cut-off value in accordance with paragraph 3."

With this in mind, our view is that the formaldehyde releaser family, and all products in which they are used, should be classified according to the free formaldehyde available in the product as supplied rather than their potential releasable formaldehyde.

A handwritten signature in blue ink, appearing to read "G. Pfeiffer".

Dr. Georg Pfeiffer
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For and on behalf of Fuchs Group in Europe