United States
CONSUMER PRODUCT SAFETY COMMISSION
Washington, D.C. 20207

MEMORANDUM

DATE: July 8, 2002

TO : ESHF

Through: Todd A. Stevenson, Secretary, OS

FROM : Martha A. Kosh, OS

SUBJECT: NPR for Candle Wicks Containing Lead; 67 FR 20062 (April 24, 2002)

ATTACHED ARE COMMENTS ON THE CH-02-2

COMMENT	DATE	SIGNED BY	AFFILIATION
CH 02-2-1	6/16/02	M.R. Chaney	mrchaney@comcast.net
CH 02-2-2	7/08/02	John DiFazio Sr Counsel	Consumer Specialty Products Association 900 17th St, NW, #300 Washington, DC 20006
CH 02-2-3	7/08/02	Bob Nelson President	National Candle Association 1156 15th St, NW Suite 900 Washington, DC 20005
CH 02-2-4 **Rec'd 6/9/02**	7/03/02	Jeb Head	Atkins & Pearce, Inc. One Braid Way Covington, KY 41017
CH 02-2-5	7/12/02	Elizabeth O'Brien Manager	Global Lead Advice and Support Service P.O. Box 161 Summer Hill NSW 2130 AUSTRALIA
CH 02-2-6	7/19/02	Richard McGovern	37 Rockville Ave. State Island, NY 10314

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Lead wick candle comments

Stevenson, Todd A.

From: mrchaney@comcast.net

Sent: Sunday, June 16, 2002 11:37 PM

To: cpsc-os@cpsc.gov

Subject: NPR for Candle Wicks

hello,
I agree with the ban on lead wick candles. they are a major hazard in the toxic release area. I have noticed in the candle market that many retailers already state if there is no lead contained in the wicks. I do not think that these candles should be manufactured in the future. thanks michelle chaney

CSPA
Consumer Specialty Products Association

Filed Electronically: cpsc-os@cpsc.gov July 8, 2002

Office of the Secretary
Consumer Product Safety Commission

Re: NPR for Candle Wicks Containing Lead; 67 FR 20062 (April 24, 2002).

The Consumer Specialty Products Association (CSPA) supports efforts by the U.S. Consumer Product Safety Commission, consumer advocates, public health officials and industry representatives to eliminate the use of lead-core candle wicks. Although most American candle makers voluntarily stopped using lead-core wicks more than 25 years ago, imported candles with lead-core wicks are still available for purchase, despite the ready availability of feasible alternatives.

CSPA, the leading consumer specialty products association with more than 200 member companies including prominent leaders in the air care industry, strongly supports an outright U.S. ban on the production and sale of candles with lead-core wicks. Most responsible companies in the U.S. candle industry removed lead-core wicks from their products 25 years ago when the health effects associated with lead use became understood. With everything known now, it is irresponsible for manufacturers to continue using lead-core wicks in their products and would be indefensible for the Commission to continue to allow candles with lead-core wicks to be sold. Thus, CSPA continues to urge expedited promulgation of a mandatory rule and vigorous enforcement of the 0.06 percent lead standard for wicks.

CSPA does have some concerns, however, about the proposed labeling and record-keeping requirements. Instead of placing the burden on those in compliance, it would be more appropriate to require manufacturers and importers of candles and wicks not in compliance with the 0.06 percent standard to so label. In addition, since the problem is primarily with imported candles, a system of regular random inspections of imports should be instituted concurrently with expedited promulgation of the final rule.

Furthermore, the appropriate date is the date of sale, not manufacture or import, since the non-complying products that threaten the health of American families should not benefit from an extended sell-through period. CSPA suggests that no sale of non-complying candles be allowed after September 30, 2003.

Very truly yours,

/s/John DiFazio
Senior Counsel

For more than 87 years, the Consumer Specialty Products Association (CSPA) has fostered the growth and reputation of the consumer specialty products industry by providing legislative, regulatory, scientific and educational services to more than 2,000 dedicated professionals representing more than 200 member companies. CSPA is organized into seven divisions: Aerosols, Air Care, Antimicrobial Products, Cleaning Products, Pest Management Products, Industrial & Automotive Specialty Chemicals, and Polishes & Floor Maintenance Products.

National Candle Association

1156 – 15th Street, NW, Suite 900 • Washington, DC 20005 • (202) 393-2210 • Fax: (202) 223-9741
Email: nca@kellencompany.com Website: www.candles.org

July 8, 2002

Office of the Secretary
U.S. Consumer Product Safety Commission
4330 East West Highway
Bethesda, Maryland 20814

NPR for Candle Wicks Containing Lead

Dear Mr. Secretary:

The purpose of this letter is to submit the comments of the National Candle Association in response to the notice of proposed rulemaking referenced above. The National Candle Association is the major association of candle manufacturers and suppliers in the United States. Its members and associate members are involved in every aspect of the candle industry and represent 90% of the U.S. candle market.

As stated in many meetings and communications with the staff of the Consumer Product Safety Commission ("CPSC"), the National Candle Association unhesitatingly supports the ban of lead in candle wicks. This comment, however, is intended to strongly object to the burdensome record keeping provisions in the proposed rule.

Metal cored wicks are used in candles to ensure that the wick remains in the center of the candle. As the CPSC staff working on the voluntary standards for candles is aware, keeping the wick centered is an important factor in candle safety. The role of the metal cored wick is particularly important to smaller candle manufacturers who do not employ the same mass production techniques used by larger manufacturers.

The problem presented by the NPR is not the ban on lead content over 0.06 percent lead. This ban is understood and clearly supported by the National Candle Association and its members. If the rule were to stop with just this prohibition, there would be no problem. The problem presented by the NPR is the complex traceability required of the wick throughout the manufacturing process. The steps described in proposed section 1500.17(a)(13)(i)(B) through (D) and (ii) (B) through (D) are unprecedented and extremely burdensome.

To remain competitive even smaller candle manufacturers must produce large quantities of each type of candle (*e.g.*, pillars) at one time. Modern candle production techniques employ devices that produce hundreds of candles in a single cycle. For each candle, there is a wick threaded into a device to insert the wick into the candle. Each of these wicks comes from a spool or roll of wick. Therefore, in a single cycle in which hundreds of candles are produced, wick from many different spools or rolls will be used.

The economics of candle production are such that packaging of the candles is one of the most expensive steps. The NPR's burdensome record keeping requirements would require tracking each candle produced from each wick. Then these candles would have to be packaged together for labeling to meet the NPR. Given the current method of candle production in which hundreds of candles are produced in a single cycle, this step is probably impossible and is definitely economically indefensible. The estimate by the CPSC staff of an $800,000 cost for this procedure may be understated by an order of magnitude.

The labor cost of keeping track of the wick source of each of hundreds of candles produced in a single candle, packaging these candles together and marking the package pursuant to the NPR would easily double or triple the cost of candles with metal cored wicks. In that many of these candles such as tea light candles are produced at very high rates, the NPR would require either a great reduction in production rates or a dramatic increase in labor.

Further, as pointed out in the comments of Atkins & Pearce, which the National Candle Association supports completely, the cost burden of this rule falls on a relatively small portion of the market (the 10 to 20% of the market using metal cored wicks). Therefore, the apparent cost is not spread over the entire market.

Finally, labeling the shipping packaging, which is rarely, if ever, used in consumer sales does nothing to inform consumers. This step does, however, impose an extreme and burdensome expense. If the object is to protect consumers, CPSC need only issue a ban without the burdensome record keeping requirements. Then, if a candle wick is found that does not conform to the CPSC requirement, appropriate prosecutorial steps can be taken and, if the manufacturer cannot differentiate production to CPSC's satisfaction, all suspect candles can be recalled.

Summary

- The NCA fully supports a ban on lead in candle wicks.
- The record keeping requirement of the NPR is an unprecedented shifting of a burden onto an industry without justification.
- Smaller candle manufacturers especially would be unduly pressed to comply with the record keeping aspect.

- The NCA supports an alternative solution to the traceability requirement such as suggested by Atkins & Pearce.

Respectfully Submitted,

Bob Nelson

Bob Nelson, President

July 3, 2002

Office of the Secretary
United States Consumer Product Safety Commission
4330 East West Highway
Room 502
Bethesda, Maryland 20814

Re: NPR for Candle Wicks Containing Lead

Dear Mr. Secretary:

In response to the Commission's published notice of proposed rulemaking ("NPR") on metal-cored candle wicks containing lead and candles with such wicks and the CPSC's invitation to comment on the proposal, we respectfully offer the following comments. Atkins & Pearce is a manufacturer of wicks for candles.

Summary

We support the proposed ban on wicks with a lead content of greater than 0.06% for use in the candle industry.

Despite our support for the proposed ban on lead cored wicks, we have concerns about the proposed record-keeping and traceability requirements contained in the NPR, which will be required on "metal cored" wicks. Based upon consultation with our members who use such wicks, we believe that the proposed record-keeping system imposes an unreasonable burden on these businesses.

In an attempt to achieve the Commission's objectives, however, we do propose a method for tracing zinc wire wick in the market.

Reasons for Opposition to Proposed Record-Keeping and Traceability Requirements

Zinc core wick is currently in use, and delivers unique benefits.

Currently, many manufacturers use a safe zinc wire core wick that is compliant with the new regulation. Zinc cored wick holds the wick straight, and in the center of the candle. For many, particularly small manufacturers, this technology is critical for keeping the flame centered, and away from the side of the candle. In jar, votive, tea-light and pillar applications, the stability of the zinc-based product contributes substantially to product performance and product safety.

Zinc core wicks are safe

Zinc core wicks are not lead alloys; they are pure zinc. Like all nonferrous metals, the zinc core wicks have traces of lead impurities. Zinc has a maximum lead content is

0.004%. Qualified studies show that the lead emissions from zinc-core wick are too small to measure. These wicks absolutely, and consistently, meet the proposed standard of less than 0.06% lead concentration.

The Commission's estimate of the cost of labeling of $800,000 is NOT trivial.

The Commission's proposed rule suggests that the $800,000 cost of the labeling program is a nominal percentage (0.04%) compared to total candle industry sales. The total value of the wick that is sold into the candle industry, however, is also a very small fraction of total candle industry sales. Further, zinc core wick is 10 to 20% of total wick sales. Therefore, it is fair to say that the labeling requirement, by the Commission's own estimate, will make the use of zinc core wick prohibitively expensive. As shown above, the $800,000 cost estimate is a substantial proportion of total domestic metal cored wick sales.

Beyond the additional cost, candle makers will have extreme difficulty complying with the traceability requirement.

We have discussed with many current users of the zinc wire wick the proposed record-keeping system. While many of these users remark that the zinc wick is critical to their candle making, they have uniformly expressed doubt that they could comply with the batch control, labeling and administrative requirements posed by the NPR.

In candle production, whether the process is pouring, molding, compression or extrusion, economies of scale dictate mass production techniques be used. Candles are made is large batches, sometimes several hundred candles in a single cycle. Thus, it is typical that there are many wick reels feeding into the candle production line at one time. It would be typical that the various wick reels feeding a candle production line would be from different lots. In these applications, the resulting candles are feeding at a high rate into sorting and packaging lines. We have studied this issue carefully, and conclude that full compliance with the regulation would require matching each candle to each wick to package and label the candles pursuant to the proposed record-keeping system. Given that each reel of wick can produce as many as 10,000 candles it is clear that an attempt to identify which candle came from which wick would be highly labor intensive. In that the packaging step in high volume candle production is already one of the most costly aspects of candle making, to add the additional labor intensive step of wick identification would make use of metal cored wicks impractical.

We respectfully offer what we think is an alternative approach to achieve the level of traceability contemplated in the NPR.

As discussed above, virtually all the zinc wick users that we have spoken with have commented that they do not believe that it will be possible to effectively trace the lot origin of the zinc wire to each finished candle. We agree that the proposed task imposes economically impractical burdens.

We believe, however, that the objectives of the NPR can be achieved if a tracer yarn is added to the wick during the wick manufacturing process. If such a tracer is added, then candle by candle traceability is possible.

By "tracer" we mean that a unique pattern of colored yarns would be woven into the wick as it is produced. Each lot of zinc would have a corresponding color pattern, and this unique pattern would change with each new lot of zinc wire (see attached photo).

The lot identity of any candle could be determined after the fact by the wick manufacturer. The wick manufacturer would be responsible for maintaining records that would prove compliance to the 0.06% maximum lead content.

In practice, candle makers would receive the lot-traced wick from a wick vendor. They would not be required to undertake any special steps in the manufacture of candles. They would label their shipping cartons with "Conforms to 1500.17(a)(13)" based on certification data received from the wick vendor. To ensure that the wick manufacturer is providing appropriate certification, each candle manufacturer could perform incoming quality assurance checks on a periodic basis, if necessary. By taking this approach, the specific lot identity of the wick would be determined by the wick as opposed to being listed on the carton.

In the event that a candle or group of candles needed to be traced, the candle would first go to the manufacturer of the candle, who would identify the wick supplier for the given candle. The candles would be forwarded to the wick supplier, who would match the lot tracer yarns to determine the lot and provide the documentation of compliance.

This approach would not only allow continued use of metal cored wicks, it would provide to the CPSC staff better traceability of candles because candles outside of the original packaging could be traced to the wick supplier.

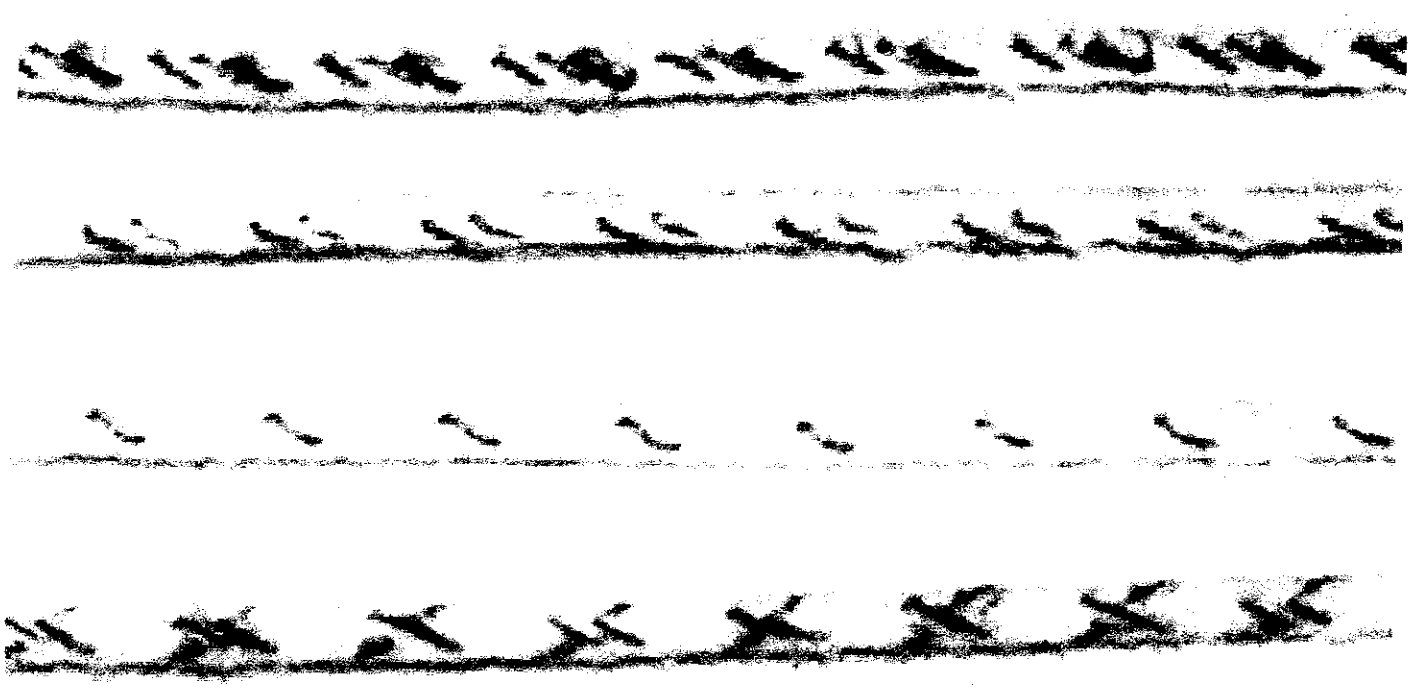
Accordingly, we request that language be added to the final rule allowing an alternate method to the one contained in the NPR. We suggest that the following language would allow the method proposed in this comment and allow other innovative approaches:

"As an alternative to placing lot numbers on the shipping carton, candle manufacturers may use wicks from a known wick manufacturer that have permanent and unambiguous lot identifier markings on the candle wicks that enable the wick manufacturer to identify the specific source of the wire."

Respectfully submitted,

Jeb Head, Atkins & Pearce, Inc.

Wicks with identifying tracer yarns



Lot 101

Lot 102

Lot 103

Lot 104

Kosh, Martha A.

5

From: Hatlelid, Kristina M.
Sent: Friday, July 12, 2002 8:51 AM
To: Kosh, Martha A.
Subject: FW: candlewicks

-----Original Message-----
From: The LEAD Group [redacted]
Sent: Tuesday, July 09, 2002 8:50 PM
To: 'Hatlelid, Kristina M.'
Subject: RE: candlewicks

Dear Kris,
We must have missed the NPR in April (we get so many emails and our volunteer staff do not have time to read them all) so I apologise for not submitting something by the due date 2 days ago. I would have submitted that since the 20% of candlewicks that are not made by Atkins and Pearce in the US and the 80% worldwide are probably the most likely source of leaded wick cores, it is not appropriate to just negotiate with this one candle wick maker simply on the basis that Atkins and Pearce can colour code their metal wicks. The educated consumer will presumably still be left wondering whether a non-coloured wick is leaded or was tested or was manufactured prior to the ban and the uneducated consumer will still be at risk of burning leaded wicks.
I find the ban introduced in Australia to be much more useful to the consumer, especially in this country where products are simply not tested by customs and basically the only unsafe products detected are detected by consumers. It doesn't say much but I can say at least that none of the callers [presumably more lead-aware than most people] to the Lead Advisory Service Australia during the 13,288 calls we have handled since the ban on lead in candles or candlewicks was introduced into Australia on 1st September 1999, has reported a metal-wick candle at all within Australia. However, US citizens who email our Global Lead Advice and Support Service, which handled 822 calls in the same period, have been concerned about metal core wick candles and lead in candlewicks. I'm pointing out the huge advantage of a simple straightforward ban on lead in candles (which in practical terms is a ban on metal core wicks) as was introduced in Australia or the even more straightforward warning that was distributed in New Zealand on February 29, 2000:
"The [New Zealand] Ministry of Consumer Affairs warned consumers and traders to immediately destroy candles with metallic cores in their wick."
If there is another NPR, I would not be surprised if this issue is the cause of it, although thoughtful respondents might also have pointed out that you'll never have to assess the toxicity of the emissions from the combustion of the dye in dyed wicks if the colour idea is not introduced.
I look forward to more news on this issue
Yours Sincerely
Elizabeth O'Brien
Manager, Global Lead Advice and Support Service (GLASS)
[redacted]
PO Box 161 Summer Hill NSW 2130 Australia
[redacted]

Copeland, Darlene X.

From: Richard McGovern

Sent: Friday, July 19, 2002 8:54 AM

To: dcopeland@cpsc.gov

Subject: lead core wicks

As per our recent telephone conversation I am requesting that you relay to me as much information as you can on the status of the "Rulemaking to set a federal ban" referred to on the USCPSC web site (Release # 01-083). While I don't wish to be seen as one who would not be in favor of thoroughly protecting children from the hazards of exposure to lead, I have a unique reason to request that the USCPSC be as certain as humanly possible that strict labeling standards would not be adequate for achieving such protection. I have developed a new type of camping lantern (Patent Pending) which uses tealight candles and in extensive testing I've performed with numerous types of waxes and wicks, I've come to the conclusion that candles with lead core wicks consistently give noticably better performances than candles with other types of wicks. I'd therefore, of course, be very glad to learn that the burning of lead wick candles does not present a risk to children. If, however it can be shown that there is a risk involved, and that federal ban would be approprite, I'm wondering if there might be any way of writing an exemption into the rules that would allow lead wick candles intended strictly for use in camping lanterns (and sold only, perhaps, in camping goods stores) to be available. I doubt very much that any child could ever be harmed by the extremely small amount of lead he/she might inhale during an occasional camping trip. affirmation that candles containing lead core wicks do indeed perform better than other types of candles (at least in my lantern) is, to some degree substantiated in the quote below taken from the *Candle Cauldron*'s web site (These people really seem to know what they're talking about):

What you need to know about Candles & Wicks

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Lead core wicks were commonly used over 20 years ago because the lead burned hot and produced a nice even, full melt pool in container candles

Thanking you in advance for any help you might give.

Best Regards,
Rich McGovern

37 Rockville Ave.
Staten Island, NY 10314

richardmcgovern@msn.com

(718) 983-0804