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SECTION 1. IDENTIFICATION OF THE SUBSTANCE/MIXTURE AND OF THE COMPANY/UNDERTAKING

1.1. Product Identifier

1.1.1. Trade name/designation
Battery Electrolyte

1.2. Relevant identified uses of the substance or mixture and uses advised against

1.2.1. Relevant identified uses
Used to activate dry batteries

1.2.2. Uses advised against
Any other not listed above

1.3. Details of the supplier

1.3.1. Supplier:
GS Battery (U.S.A) Inc.

1.3.2. Website
www.gsbattery.com

1.3.3. Information contact
1150 Northmeadow Parkway
STE110
Roswell
GA 30076-3886

1.3.4. National contact
GS Battery (U.S.A.) Inc: (678) 762-4818

1.4. Emergency Telephone Number

CHEMTREC: Domestic (800)424-9300
International: 1(703)527-3887



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SECTION 2. HAZARDS IDENTIFICATION

2.1. Classification of the substance or mixture:

2.1.1. Classification according to Regulation (EC) No 1272/2008 [CLP/GHS]

8B: Non flammable corrosive materials

2.1.2 Classification according to 67/548/EEC or 1999/45/EC

Xi: Irritating

C: Corrosive

2.2. Label elements

2.2.1 Labeling according to Regulation (EC) No 1272/2008

Product identifier: Battery Electrolyte

Hazard pictograms:



Xn: Harmful



Xi: Irritating



C: Corrosive

NFPA:



WHMIS:



Class E:

Corrosive materials

Signal word:

DANGER



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Hazard statements:

- Causes severe skin burns and eye damage
- Causes skin irritation
- May cause respiratory irritation

Precautionary statements:

- Keep out of reach of children. Keep containers tightly closed.
- Keep away from heat, sparks, and open flame while charging batteries.

2.3. Other hazards

Adverse human health effects and symptoms:

- Inhalation:* (Acute): May cause corrosive burns – irreversible damage.
(Chronic): Repeated or prolonged exposure to corrosive fumes may cause bronchial irritation with chronic cough.
- Skin:* (Acute): Causes severe skin burns and eye damage.
(Chronic): Repeated or prolonged exposure to corrosive materials will cause dermatitis.
- Eye:* (Acute): Causes serious eye damage.
(Chronic): Repeated or prolonged exposure to corrosive materials or fumes may cause conjunctivitis.
- Ingestion:* (Acute): May cause irreversible damage to mucous membranes.
(Chronic): Repeated or prolonged exposure to corrosive materials or fumes may cause gastrointestinal disturbances.

Routes of Entry:

Inhalation, Skin, Eye, Ingestion/Oral

Medical conditions aggravated by exposure:

Lungs, Skin

Acute exposure to sulfuric acid causes severe irritation, burns and permanent tissue damage to all routes of exposure.

Chronic exposure to sulfuric acid may cause erosion of tooth enamel, inflammation of nose, throat and respiratory system.

SECTION 3. COMPOSITION/INFORMATION ON INGREDIENTS

3.1. Description of the mixture:

CAS No	EC No	% [weight]	Name	WHMIS Classifications	Classification according to CLP (1272/2008)
7664-93-9	231-639-5	30-40%	Sulfuric Acid	D1A, E (including >51%, =51%)	C; R35; S1/2, S26, S30, S45
7732-18-5	231-791-2	60-70%	Water	Uncontrolled product according to WHMIS classification criteria.	Not Listed

Under United States Regulations (29 CFR 1900.1200 – Hazard Communication standard), this product is considered hazardous. In Canada, the product mentioned above is considered hazardous under the Workplace Hazardous Materials Information System (WHMIS). According to the Globally Harmonized Standard for Classification and Labeling (GHS) this product is considered hazardous.



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SECTION 4. FIRST AID MEASURES

4.1. Description of first aid measures

4.1.1 *Eye contact:*

Hold eyelids apart and flush eyes with plenty of water for at least 15 minutes. Get medical attention.

4.1.2 *Inhalation:*

Move victim to fresh air. Administer oxygen if breathing is difficult. Give artificial respiration if victim is not breathing. Do not use mouth – to – mouth method if victim inhaled the substance.

4.1.3 *Skin contact:*

For minor skin contact, avoid spreading material on unaffected skin. In case of contact with substance, immediately flush skin with running water for at least 20 minutes. Remove and isolate contaminated clothing and shoes.

4.1.4 *Ingestion:*

Give plenty of water to drink. Do NOT induce vomiting. Obtain medical attention immediately if ingested.

4.1.5 *Self-protection of the first aider:*

If artificial respiration is required use a pocket mask equipped with a one-way valve or other proper respiratory medical device.

SECTION 5. FIREFIGHTING MEASURES

5.1. Extinguishing media:

5.1.1 *Suitable extinguishing media:*

Small Fires: Dry chemical, CO₂ or water spray

Large Fires: Dry chemical, CO₂, alcohol – resistant foam or water spray.

5.1.2 *Unsuitable extinguishing media:*

Any not listed above

5.2. Special hazards arising from the substance or mixture

5.2.1 *Hazardous combustion products:*

Non-combustible, substance itself does not burn but may decompose upon heating to produce corrosive fumes.

5.3. Advice for fire-fighters:

Wear positive pressure self-contained breathing apparatus (SCBA). Structural firefighters' protective clothing provides limited protection in fire situations ONLY; it is not effective in spill situations where direct contact with the substance is possible. Wear chemical protective clothing that is specifically recommended by the manufacturer. It may provide little or no thermal protection.



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As an immediate precautionary measure, isolate spill or leak area for at least 50 meters (150 feet) in all directions.

Keep out of low areas.

Keep unauthorized personnel away

Stay upwind.

5.4. Additional information:

Reacts violently with metals, nitrates, chlorates, carbides and other organic materials. Reacts with most metals to yield explosive flammable hydrogen gas.

SECTION 6. ACCIDENTAL RELEASE MEASURES

6.1. Personal precautions, protective equipment and emergency procedures

Ventilate enclosed areas. Do not touch damaged containers or spilled material unless wearing appropriate protective clothing.

6.1.1 For non-emergency personnel

Protective equipment: Wear chemical gloves

6.1.2 For emergency responders

ELIMINATE all ignition sources (no smoking, flares, sparks or flames in immediate area) as an immediate precautionary measure, isolate spill or leak area for at least 50 meters (150 feet) in all directions. Keep unauthorized personnel away. Stay upwind. Keep out of low areas. Do not get water inside container.

Personal protective equipment:

Wear chemical gloves, goggles, acid resistant clothing and boots, respirator if insufficient ventilation.

6.2. Environmental precautions:

Prevent entry into waterways, sewers, basements or confined areas.

6.3. Methods and material for containment and cleaning up

6.3.1 For containment:

Stop leak if you can do it without risk. Absorb with earth sand or other non-combustible material. Do not allow discharge of unneutralized acid to sewer. Cautiously neutralize spilled liquid.

6.3.2 For cleaning up:

Dispose of in accordance with local, State, and national regulations.



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SECTION 7. HANDLING AND STORAGE

7.1. Precautions for safe handling

7.1.1 Protective measures:

Handle and open container with care. Avoid contact with skin and eyes. Use only with adequate ventilation. Use caution when combining with water; DO NOT add water to corrosive liquid, ALWAYS add corrosive liquid to water while stirring to prevent release of heat, steam and fumes.

7.1.2 Advice on general occupational hygiene

Do not get in eyes or on skin or clothing. Wash thoroughly with soap and water after handling and before eating, drinking, or using tobacco. Eyewash stations and safety showers should be provided with unlimited water supply. Handle in accordance with good industrial hygiene and safety practice.

7.2. Conditions for safe storage, including any incompatibilities: Technical measures and storage conditions:

Keep away from incompatible materials. Store locked up. Keep container/package tightly closed in a cool, well-ventilated place. Ventilate enclosed areas.

Storage class:

Class 8B: Non-flammable corrosive materials

SECTION 8. EXPOSURE CONTROLS/PERSONAL PROTECTION

8.1. Control parameters

8.1.1 Occupational exposure limits:

Limit value type (Country of origin)	Substance name	EC-No.	CAS-No	Limit value	Monitoring and ob- servation processes
TWA (ACGIH)	Sulfuric Acid	231-639-5	7664-93-9	0.2 mg/m ³	Thoracic fraction Thoracic
TWA (CA ON)				0.2 mg/m ³	
STEL(CA QU)				3 mg/m ³	
TWA(CA QU)				1 mg/m ³	
STEL (CH)				2 mg/m ³	
TWA(CH)				1 mg/m ³	
STEL(FI) TWA(FI)				1 mg/m ³	Inhalable fraction Inhalable fraction
Ceiling(DE)				0.2 mg/m ³	
MAK(DE) Ceil- ing(JP) TWA(ME)				0.1 mg/m ³ peak	
TWA(NIOSH)				0.1 mg/m ³	
TWA(OSHA)				1 mg/m ³	
				1 mg/m ³	
				1 mg/m ³	



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8.2. Exposure controls

8.2.1 *Appropriate engineering controls:*

Good general ventilation should be used. Ventilation rates should be matched to conditions. If applicable, use process enclosures, local exhaust ventilation, or other engineering controls to maintain airborne levels below recommended exposure limits. If exposure limits have not been established, maintain airborne levels to an acceptable level.

8.2.2 *Personal protective equipment:*

8.2.2.1 *Pictograms:*



8.2.2.2 *Eye/Face protection:*

Wear face shield and eye protection.

8.2.2.3 *Skin protection:*

Wear protective gloves with elbow length gauntlet.

Wear synthetic apron. Under severe exposure or emergency conditions, wear acid-resistant clothing and boots.

8.2.2.4 *Respiratory protection:*

None required under normal conditions of use. Follow the OSHA respirator regulations found in 29 CFR 1910.134 or European Standard EN 149. Use a NIOSH/MSHA or European Standard EN 149 approved respirator if exposure limits are exceeded or symptoms are experienced.

SECTION 9. PHYSICAL AND CHEMICAL PROPERTIES

9.1. Information on basic physical and chemical properties

9.1.1. *Appearance*

Physical state: Liquid

Color: Clear

Odor: Pungent

Odor threshold: No Data

9.1.2. *Safety relevant basic data*

pH (20 °C): No Data

Melting point/range (°C): No Data

Initial boiling point/ range (°C): 95 - 95.5556

Decomposition temperature (°C): No Data

Flash point (°C): No Data

Ignition temperature (°C): No Data

Vapor pressure (hPa): 10mmHg

Vapor density (air =1): 1



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Density (g/cm³): 10.139-11.2658lbs/gal
Bulk density (kg/m³): No Data
Specific Gravity/Relative Density (water = 1): 1.215 - 1.35
Water solubility (20°C in g/l): 100%
Solubility(ies): No Data
Partition coefficient: No Data
N-Octanol/Water (logPo/w): No Data
Viscosity, dynamic (mPas): No Data

9.1.3. Physical hazards:

Flammable gases
Metal corrosion

9.2. Other safety information:

Properties of explosive atmospheres (mixtures):
Gases and vapors: No Data
Dusts: No Data
Physical chemical properties of nanoparticles: No Data
Limiting oxygen concentration: No Data
Bulk density: No Data
Solubility in different media: No Data
Stability in organic solvents and identity of relevant degradation products: No Data
Evaporation rate: 1 n-butyl, Acetate=1
Conductivity: No Data
Surface tension: No Data
Dissociation constant in water (pKa): No Data
Oxidation-reduction Potential: No Data
Fat solubility (solvent – oil to be specified): No Data
Critical temperature: No Data

SECTION 10. STABILITY AND REACTIVITY**10.1. Reactivity:**

Not reactive

10.2. Chemical stability:

Stable under normal temperatures and pressures

10.3. Possibility of hazardous reactions

Hazardous polymerization will not occur.

10.4. Conditions to avoid:

Contact with organic materials, combustibles, strong reducing agents, metals, strong oxidizers, water.



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10.5. Incompatible materials:

Reacts violently with strong reducing agents, metals, sulfur trioxide, strong oxidizers and water. Contact with metals may product toxic sulfur dioxide fumes and may release flammable hydrogen gas.

10.6. Hazardous decomposition products:

Sulfur trioxide, carbon monoxide, sulfuric acid fumes, and sulfur dioxide.

SECTION 11. TOXICOLOGICAL INFORMATION**11.1. Information on toxicological effects:**

Sulfuric Acid (7664-93-9)	Effect dose /Concentration	Species	Method	Time
Acute oral toxicity	2140 mg/kg	Rat	LD50	
Acute inhalative toxicity (vapor)	30 mg/m3	Guinea Pig	LCLo	7 Days (con.)
Acute inhalative toxicity (vapor)	510 mg/m3	Rat	LC50	2 Hours
Acute inhalative toxicity (vapor)	3 mg/m3	Human	LCLo	24 Weeks
Irritation	5 mg	Rabbit	SEV (eye)	30 second rinse
Irritation	250 ug	Rabbit	SEV (eye)	
Water (7732-18-5)	Effect dose /Concentration	Species	Method	Time
Acute oral toxicity	>90 mL/kg	Rat	LD50	

11.2. Other information:**11.2.1 Carcinogenic Effects:**

The International Agency for Research on Cancer (IARC) has classified “strong inorganic acid mist containing sulfuric acid” as a Category 1 carcinogen, a substance that is carcinogenic to humans. **This classification does not apply to liquid forms of sulfuric acid or sulfuric acid solutions contained within a battery.** Batteries subjected to abusive charging at excessively high currents for prolonged periods without vent caps in place may create a surrounding atmosphere of the offensive strong inorganic acid mist containing sulfuric acid.

Carcinogenic Effects			
	CAS	IARC	NTP
Sulfuric acid	7664-93-9	Group 1-Carcinogenic	Not established

11.2.2 Routes of exposure:**11.2.2.1 In case of ingestion:**

(Acute): May cause irreversible damage to mucous membranes.

(Chronic): Repeated or prolonged exposure to corrosive materials or fumes may cause gastrointestinal disturbances.

11.2.2.2 In case of skin contact:

(Acute): Causes severe skin burns and eye damage.

(Chronic): Repeated or prolonged exposure to corrosive materials will cause dermatitis.



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11.2.2.3 In case of inhalation:

(Acute): May cause corrosive burns – irreversible damage.

(Chronic): Repeated or prolonged exposure to corrosive fumes may cause bronchial irritation with chronic cough.

11.2.2.4 In case of eye contact:

(Acute): Causes serious eye damage.

(Chronic): Repeated or prolonged exposure to corrosive materials or fumes may cause conjunctivitis.

SECTION 12. ECOLOGICAL INFORMATION

12.1. Toxicity:

Aquatic toxicity

12.1.1 Substances

Acute (short-term) toxicity: Sulfuric Acid

Effect dose	Exposure time	Species	Method	Evaluation	Remark
82 mg/L	24 Hours	Brachydanio rerio	LC50		
22 mg/L	96 Hours	Cyprinus carpio	LOEC		Lowest observable effect concentration

SECTION 13. DISPOSAL CONSIDERATIONS

13.1. Waste treatment method

13.1.1 Product/packaging disposal:

Dispose of content and/or container in accordance with local, regional, national, and/or international regulations.

13.1.2 Waste codes/waste designations according to EWC/AVV:

16 06 06

13.2. Additional information:

Any waste marked with an asterisk (*) is considered as a hazardous waste pursuant to Directive 91/689/EEC on hazardous waste, and subject to the provisions of that Directive unless Article 1(5) of that Directive applies.



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SECTION 14. TRANSPORT INFORMATION

14.1. Land transport (CFR 49: DOT) UN-No:

UN2796

Proper shipping name: Battery fluid, acid

Class(es): 8

Packing group: II Hazard label(s): 8

Special provision(s)/Exceptions: A3, A7, B2, B15, IB2, N6, N34, T8, TP2, 154

Passenger aircraft/rail: 1.00 L

Cargo aircraft/rail: 30.00 L

14.2. Land transport (ADR/RID/GGVSEB): UN-No:

UN2796

Proper shipping name: Battery fluid, acid

Class(es): 8

Classification Code: C1

Packing group: II Hazard label(s): 8

Special provision(s): -

14.3. Land transport (TDG): UN-No:

UN2796

Proper shipping name: Battery fluid, acid

Class(es): 8

Packing group: II Hazard label(s): 8

Special provision(s): -

Explosive Limit and Limited Quantity Index: 1.00

Passenger Carrying Road Vehicle or Passenger Carrying Railway Vehicle Index: 1.00

14.4. Sea transport (IMDG-Code/GGVSee): UN No:

UN2796

Proper shipping name: Battery fluid, acid

Class(es): 8

Packing group: II Marine Pollutant: No

Special provision(s): -

14.5. Air transport (ICAO-IATA/DGR): UN No:

UN2796

Proper shipping name: Battery fluid, acid

Class(es): 8

Packing group: II Special provision(s): -



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SECTION 15. REGULATORY INFORMATION

15.1. Safety, health and environmental regulations/legislation specific for the mixture

15.1.1 National regulations (Canada):

WHMIS Classification:

Class E: Corrosive materials present at greater than 1%

This product has been classified in accordance with the hazard criteria of the Controlled Products Regulations (CPR) and the MSDS contains all the information required by the Controlled Products Regulations.

Canada DSL:

The following substances are listed on the Canadian DSL:

Sulfuric Acid (7664-93-9); Water (7732-18-5)

Canada NDSL:

None of the components on this SDS are listed on the Canadian NDSL:

WHMIS:

Ingredient Disclosure List

Substance	CAS No.	Wt %	Disclosure Limit %
Sulfuric Acid	7664-93-9	30-40%	1%
Water	7732-18-5	60-70%	Not Listed

CEPA:

Priority Substances List

Substance	CAS No.	Wt %	Status
Sulfuric Acid	7664-93-9	30-40%	Not Listed
Water	7732-18-5	60-70%	Not Listed

15.1.2 National regulations (China):

The following components are listed on the Inventory list for China: Sulfuric Acid (7664-93-9); Water (7732-18-5)

15.1.3 National regulations (European Union):

Classification:

Xn; Xi; C

Risk Phrases: R35, R36, R38

Safety Phrases: S1/2, S26, S30, S45

The following components are listed on the EU EINECS:

Sulfuric acid (7664-93-9); Water (7732-18-5)

None of the above mentioned components are listed on the EU ELNICS.

CLP (1272/2008) Concentration Limits

Substance	CAS	WT %	Concentration Limit
Sulfuric Acid	7664-93-9	30-40	15%≤C: C; R35 5%≤C<15%: Xi; R36/38
Water	7732-18-5	60-70	Not Listed



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Substance	CAS	WT %	Substances and Preparations
Sulfuric Acid	7664-93-9	30-40	B
Water	7732-18-5	60-70	Not Listed

Germany

Emission Limits for Inorganic Dusts

Substance	CAS	WT %	Emission Limit
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

15.1.4 National regulations (Japan):

The following chemicals are on the Japanese ENCS: Sulfuric Acid (7664-93-9); Water (7732-18-5)

ISHL Harmful substances whose names are to be indicated on the label

Substance	CAS	WT %	Limit
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

ISHL Prevention of Lead Poisoning

Substance	CAS	WT %	Status
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

ISHL Notifiable Substances

Substance	CAS	WT %	Limit
Sulfuric Acid	7664-93-9	30-40	1% weight
Water	7732-18-5	60-70	Not Listed

Air Pollution Control Law: Emission Standards for Air Pollutants

Substance	CAS	WT %	Emission Limit
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

Pollutant Release Transfer Register (PRTR): Class 1 Substances

Substance	CAS	WT %	Status
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

ISHL Working Environment Evaluation Standards: Administrative Control Levels

Substance	CAS	WT %	Limit
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not listed

15.1.5 National regulations (Korea):

The following substances are listed on the Korean KECL: Sulfuric Acid (7664-93-9); Water (7732-18-5)



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15.1.6 National regulations(Mexico):

Pollutant Release and Transfer Register: Reporting Emissions

Substance	CAS	WT %	Threshold Quantities
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

15.1.7 National regulations (United States):

The following substances are on the MA, NJ, and PA Right To Know Lists: Sulfuric Acid (7664-93-9); Water (7732-18-5)

The following substances are on the TSCA inventory: Sulfuric Acid (7664-93-9); Water (7732-18-5)
OSHA: Specifically Regulated Chemicals

Substance	CAS	WT %	Limit
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

CAA: 1990 Hazardous Air Pollutants

Substance	CAS	WT %	Limit
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

CERCLA/SARA

Hazardous Substances and Their Reportable Quantities

Substance	CAS	WT %	Reportable Quantity
Sulfuric Acid	7664-93-9	30-40	1000 lb final RQ; 454 kg final RQ
Water	7732-18-5	60-70	Not Listed

Section 302 Extremely Hazardous Substances EPCRA RQs

Substance	CAS	WT %	Reportable Quantity
Sulfuric Acid	7664-93-9	30-40	1000 lb EPCRA RQ
Water	7732-18-5	60-70	Not Listed

Section 302 Extremely Hazardous Substances TPQs

Substance	CAS	WT %	Threshold Planning Quantity
Sulfuric Acid	7664-93-9	30-40	1000 lb TPQ
Water	7732-18-5	60-70	Not Listed

RCRA

Basis for Listing: Appendix VII

Substance	CAS	WT %	Basis
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

D Series Wastes: Max Concentration of Contaminants for the Toxic Characteristic

Substance	CAS	WT %	Regulatory Level
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed



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Hazardous Constituents: Appendix VIII to 40 CFR 261

Substance	CAS	WT %	Status
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

California: California Proposition 65

Substance	CAS	WT %	Status
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

Pennsylvania

Environmental Hazard list

Substance	CAS	WT %	Regulatory Level
Sulfuric Acid	7664-93-9	30-40	
Water	7732-18-5	60-70	Not Listed

Special hazardous Substances

Substance	CAS	WT %	Regulatory Level
Sulfuric Acid	7664-93-9	30-40	Not Listed
Water	7732-18-5	60-70	Not Listed

Rhode Island: Hazardous Substances List

Substance	CAS	WT %	Regulatory Level
Sulfuric Acid	7664-93-9	30-40	Toxic; Flammable
Water	7732-18-5	60-70	Not Listed

SECTION 16. OTHER INFORMATION

16.1. Relevant R-, H- and EUH-phrases (number and full text):

Hazard Abbreviations:

Xn: Harmful

Xi: Irritant

C: Corrosive

Risk Phrases:

R35: Causes severe burns

R36: Irritating to eyes R38: Irritating to skin **Safety Phrases:**

S1/2: Keep locked up and out of the reach of children

S26: In case of contact with eyes, rinse immediately with plenty of water and seek medical advice

S30: Never add water to this product

S45: In case of accident or if you feel unwell seek medical advice immediately (show the label where possible)

Hazard statements:

H314: Causes severe skin burns and eye damage

H315: Causes skin irritation

H335: May cause respiratory irritation



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Precautionary statements:

P102: Keep out of reach of children.

P233: Keep containers tightly closed.

P210: Keep away from heat, sparks, and open flame while charging batteries.

16.2. Further information:

The information contained herein is based on data considered accurate. However, no warranty is expressed or implied regarding the accuracy of this data or the results to be obtained from the use thereof. Yuasa, Inc. assumes no responsibility for injury to the vendee or third persons proximately caused by the material if reasonable safety procedures are not adhered to as stipulated in the data sheet. Additionally, Yuasa, Inc. assumes no responsibility for injury to vendee or third persons proximately caused by abnormal use of the material even if reasonable safety procedures are followed. Furthermore, vendee assumes the risk in his use of the material.