BASF
The Chemical Company

Ecology & Safety

Product Stewardship

October 13, 2008

Product Declaration: *Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)/1907/2006/EC*

Dear Valued Customer:

Please be advised that BASF in North America, together with our European affiliates are actively engaged in the evaluation of our products potentially affected by REACH.

There are some specific aspects of REACH that we wish to call your attention to:

- The preregistration process for REACH runs from June 1, 2008 to November 30, 2008. This a phase-in period that allows substances that are pre-registered to remain in commerce until they are registered. The registration period goes until 2018, dependent upon volumes and substance hazard category. Substances that are not appropriately pre-registered will not be allowed to be sold in the European Union (EU) until they are appropriately registered; therefore preregistration is the first critical step in REACH.

- Since REACH is an EU regulation, pre-registration and registration are primarily the responsibility of the EU manufacturing company or importing company (into the EU) or an Only Representative (OR). There are no legal obligations for non-EU entities. BASF Corporation's pre-registration or registration does not meet the obligations of an EU entity, unless an OR is used. Use of an OR will involve the need to make arrangements to share information (such as volumes and customer information), and will involve additional costs and complexities.

- If you are exporting substances to the EU at 1 metric ton/year or more, you must confirm that the company who is importing the substance is pre-registering and subsequently registering the substance or that an OR is established within the EU who can pre-register and register the substance on your customer's behalf. Again, key information will be required to be provided to the OR by the importing company.

- If you are exporting polymers, not formed into an article (see below), the polymers themselves are exempt, but the monomers have to be pre-registered and registered by the importer or an OR.

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- If you are exporting articles[1] (i.e., processed materials as film, or formed parts) they are exempt under REACH, with minor exceptions (see next bullet). If you are using BASF products to manufacture articles that are then exported to the EU you may be exempt from registration.

- Regarding articles, we do not expect that any substance used in our products would meet the definition of intentionally released. The Substance of Very High Concern list has not been finalized, therefore we will assess our products on a case-by-case basis and determine if they contain any of the list of substances currently under consultation by the European Chemicals Agency (ECHA) as potential Substances of Very High Concern (SVHC) as defined in Article 57 of the REACH regulation. See link below:
  http://echa.europa.eu/consultations/authorisation/svhc/svhc_cons_en.asp

- If the product you are buying from BASF Corporation is sourced from one of our facilities in Europe the substances in the product may be exempt from registration as a "re-import." **Please note however, pre-registration by your importer or an OR is still required.**

- There are similar situations in which monomer registration is not required if the polymer is made from monomers sourced and registered within the EU. There are also provisions in REACH that if a non EU sourced monomer is registered up the supply chain of the importer via an Only Rep then the importer does not have to register the monomer. The Only Rep however will be reliant upon the non-EU exporter/EU importer for information so that it can meet all of its obligations which may be difficult in a complex supply chain.

BASF intends to assist our customers to the extent feasible. **Please understand that unlike other regulations, BASF Corporation can not provide you a statement indicating that our product is "REACH compliant".**

In order to determine the most effective means of meeting REACH requirements, you should very clearly understand the scenario in which you are requesting assistance. A few simple questions should be asked:

1. Are my customers or my company exporting this product to the European Union?
2. Is the product being exported as a preparation/mixture (i.e., unprocessed plastic pellets) or as an article (i.e., processed pellets in a film or formed part)?
3. If the product is being exported as an article, can I confirm that substances are not intentionally released? Can I confirm that the proposed SVHCs are not present in the product? If so, the product is exempt from REACH registration.
4. Who is the actual EU legal entity importing this product, and do they already have the information they need to pre-register and register the substance(s) in this product?
5. If the EU legal entity importing this product doesn't have the required information to pre-register and register the substance(s), what <u>specific</u> information do they need in order to fulfill their obligation?

[1] The registration does not apply to substances in (finished) articles if they are not intended to be released or if they are not subject to authorization (Substances of Very High Concern) and exceed 0.1 % by weight calculated on the article.

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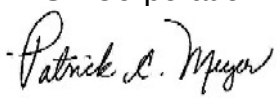
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6. If I can supply the needed information to the EU legal entity, are they appropriately pre-registering and registering the substance(s) in the product?

Once these questions have been answered, customers should contact their designated BASF representative to initiate dialogue on how BASF can assist with REACH compliance.

Should you have any further questions concerning REACH, please contact me.

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For Regulatory and Agency approval letters and information, please go to our Plastics Portal link shown above

This information is believed to be accurate and refers to the laws, regulations and products at the date of issue. However, BASF makes no express or implied representations or warranties with respect to the information contained herein. It is the responsibility of our customers to determine that their use of BASF products is safe, lawful, and technically suitable for their applications. Because of possible changes in the laws and regulations, we cannot guarantee that the status of this product will remain unchanged.