

Frequently Asked Questions and Answers

(Based on typical Air Products' Customer Questionnaires such as the standard Cefic Part I & Part II)

General Questions
<p>Q1. Does Air Products understand REACH legislation and do you have adequate plans and resource in place to ensure timely compliance?</p> <p>Yes. We have identified the substances in our products that are subject to REACH and have developed adequate plans.</p>
<p>Q2. Can Air Products provide contact details for the person in your company responsible for REACH issues?</p> <p>The burden of managing REACH compliance is shared across several individuals. The person managing the products of relevance to you can be provided by your normal Air Products contacts.</p> <p>Alternatively you can contact us at REACH@airproducts.com.</p>
<p>Q3. Has Air Products pre-registered all the products that it currently supplies to me?</p> <p><i>We can confirm that Air Products has pre-registered all substances that are in all the products we sell in the EU today, or have ensured that these substances are pre-registered further up the supply chain.</i> A full list of products that are covered by pre-registration is available to view at our website at http://www.airproducts.com/Responsibility/EHS/OurCommitment/reach.htm.</p>
<p>Q4. If our company is located outside the EU will Air Products ensure that I do not need to act as importer under REACH e.g. will Air Products act as an Only Representative for me?</p> <p>These requests will be reviewed on a case-by-case basis. Please call your normal Air Products' contact. Alternatively you can contact us at REACH@airproducts.com.</p>
<p>Q5. Can you provide the pre-registration number for each product that you supply?</p> <p>Air Products can confirm that it has duly obtained pre-registration numbers for all pre-registered substances and that all products listed above are covered by pre-registration under the REACH directive for each necessary supply chain.</p> <p>The pre-registration number is randomly generated and does not have the structure or meaning of a registration number; it is not substance or company specific. Therefore the recommendation of both the EU Commission and CEFIC is that this number does not have to be published. Accordingly, Air Products' policy is not to provide pre-registration numbers.</p> <p>The pre-registration number will not be included on the safety data sheet (SDS). Furthermore, the pre-registration number does not allow anyone other than the original registrant to view the pre-registration details. Finally, many of our products are complex preparations or polymers for which several pre-registration numbers are needed.</p> <p>We understand that our customers, who are not necessarily members of the relevant SIEF's, may wish to have the pre-registration numbers in order to get additional assurance. However, we trust that our clear, unequivocal statement of confirmation of pre-registration contained herein is adequate assurance.</p>

General Questions

Q6. Now that Air Products has completed pre-registration of these substances, can you now give a firm commitment that you will also complete the full registration?

At this stage we plan to complete the registration all our products from the lists above in accordance with the schedule provided by the legislation. There is a possibility that despite our efforts, supply conditions could change between now and the long-term registration deadlines of 2013 and 2018, resulting in some products not being registered as currently planned. Please be assured that, in such event, Air Products will make every effort to give as early warning as possible to manage such a transition.

Q7. When will Air Products complete full registration of its products?

It is too early at this stage to give a precise timetable for full registration. Air Products will comply with the deadlines set by the legislation. The deadlines for specific substances can change when the volume changes or if the classification of the substance is changed. Different components (substances) of the same product may be registered at different times. The overall product is not completely covered until all components are registered.

Q8. Are there any of Air Products' substances likely to be Substances of Very High Concern (SVHC) within the meaning of REACH?

The list of substances which are candidates for inclusion into the Annex XIV of the REACH legislation (Substances Subject to Authorisation) was already published by ECHA earlier this year. However, Annex XIV itself is not expected to be published until sometime late in 2009.

Be assured that Air Products will continue to track updates to the Annex XIV list and proactively communicate to its customers in line with its obligations under REACH regarding the inclusion of such substances in any of Air Products' products

The term SVHC is not defined within REACH, but is generally accepted to include CMR's (Carcinogen, Mutagen, and Reproductive Toxins), PBT's (Persistent, Bioaccumulative and Toxic) and vPvB's (very Persistent and very Bioaccumulative). These substances may potentially be included in future Annex XIV candidate lists - please check our current SDS's to identify if the products you are currently purchasing contain any SVHC substances.

Should you wish to discuss alternative replacement products please call your normal Air Products contact.

Q9. Do you see foresee any problems in the maintenance of the supply of these SVHC's or Annex XIV products/substances following the full implementation of REACH?

At this stage it is too early to say, but Annex XIV substances will require Authorisation under REACH and, as a result, there may be restrictions applied to some downstream uses. Furthermore, Authorisation will place an additional financial burden on REACH registration for these substances.

Q10. Do you have sufficient information from me, your customer, to complete full registration?

At this stage, we do not require any additional information from our customers.

For full registration, we will need to start a dialogue concerning downstream uses, but will do so in line with the process outlined below.

General Questions

Q11. Will Air Products include my downstream uses of the product in the registration so there will be no further requirement for my company?

Cefic, together with the Downstream Users of Chemicals Co-ordination Group (DUCC) and the European Association of Chemical Distributors (FECC), has prepared a statement on use and exposure communication. This statement is for companies to inform their suppliers/customers about the industry's approach to communication on use and exposure information as well as to spread the word that premature and unstructured communication on uses should be avoided.

See the statement at: http://www.cefic.org/Files/Downloads/Cefic-FECC-DUCC_document-on_use_FINAL.doc.

Before the Chemical Safety Assessment can be started, all uses should be known. The 'alignment on use' process has been designed to communicate the uses of any given substance in an efficient way. In this approach, manufacturers and importers start developing information on uses in cooperation with selected customers and with Downstream Users associations. This should result in a list that includes most of the uses. The list is then made available by each supplier to all his downstream users. In case a downstream user does not find his use on the list, he has the possibility to inform his supplier via a standard form. Subsequently, the manufacturers and importers will inform the Downstream Users which uses will be supported.

The 'alignment' process should happen in the early stages of the registration process. **Please note there is no need to inform us about uses yet.** For substances with a registration deadline of 30 November 2010 the alignment on uses should happen during 2009. For substances with later registration deadlines the same approach will apply at a later stage.

If your downstream use is not covered by Air Products it will be your responsibility to communicate this back to Air Products so that we can work together to determine a way forward. It is too early to say if there are any downstream uses that Air Products will not support.

Q12. Does Air Products have to comply now with the new requirements of the SDS as set out in Annex II of REACH?

The format of Air Products current SDS's meets the requirements of REACH as regards to Section numbering & order. Only new SDS's must follow the format set in Annex II of the REACH regulation regarding the content and inclusion of risk management methods for given exposure scenarios.

For more details about the REACH process you can find the list of frequently questions with answers published by European Chemical Agency at this link:
http://echa.europa.eu/reach/faq_en.asp