
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/company/Sustainability/environment-health-and-safety/reach.aspx.</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>

General Questions

Q5. Can you provide the pre-registration number for each product that you supply?

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.

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.**

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.

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.

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) is maintained by ECHA and is available at ECHA website. Annex XIV publication and updates is also managed by ECHA.

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.

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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?

We cannot give general answer, 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. In line with our EH&S policy we try to replace substances in our products with safer alternative when possible and we already phased out some products containing substances with high hazard. This process will continue but we always inform customers early enough to allow controlled transition.

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.

Dialogue concerning downstream uses is done in the controlled way to allow us sufficient time for use evaluation and we will actively start this dialogue in line with the process outlined below.

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. We will actively start communication on the uses in line with CEFIC process.

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.

Q12. Does Air Products comply 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 and we continually work to keep it compliant. Information required in some sections of the MSDS will be available at different times for different substances. It means that you may not see all information you expect.

General Questions
<p>Q13. I do not see registration number on the MSDS, does it mean that product is not compliant with REACH?</p> <p>No, many products or substances in products will be registered later or can be exempted from the obligation to be registered. Absence of registration number on the MSDS cannot be used to determine REACH status of the product. Please refer to the lists of products covered by REACH project on our REACH webpage to find out if your products are REACH compliant.</p>
<p>Q14. How do I know if I can use your product for my specific use?</p> <p>Please refer to the attachment of the MSDS describing particular uses and relevant conditions of use. If MSDS has such attachment you are limited to described uses and conditions. If there is no attachment with specific uses you are not limited in your use but you have to follow guidance on safe use in the main body of the MSDS and relevant local regulation requirements.</p>
<p>Q14. Can I use substances I have on stock even if my supplier did not registered relevant substances?</p> <p>Pre-registered substances that are manufactured or imported before the relevant registration deadline can still be placed on the market after this date by manufacturers or importers that have ceased such activities before the relevant registration deadline or by any downstream user, distributor or supplier in the same supply chain even if the manufacturer or importer did not submit a registration.</p> <p>If the manufacturing/importing activities have not ceased before the relevant registration deadline, the manufacturer/importer must stop his activity and submit a registration dossier before he can resume production/import. However, any actor down the supply chain who is not subject to the registration obligation may continue to use and/or supply quantities of the substance that were supplied to them before the registration deadline.</p>
<p>Q14. What are my downstream user obligations in CLP notification?</p> <p>The CLP Regulation is explicit that the responsibility for notifying substances to the C&L inventory is confined to EU manufacturers and importers. In this respect downstream users of substances or mixtures (such as EU-based formulators who are not themselves the manufacturer or importer) have no responsibility to notify substances to this inventory.</p> <p>The suppliers do not have the obligation to inform the downstream users on the fact that they have submitted a CLP notification. Furthermore there is no need for downstream users to receive confirmation from upstream suppliers that substances have been notified to the C&L inventory in order to continue to use the substances in their own products. Similar to the pre-registration number, the C&L Notification number is for internal use of the importer/manufacturer only.</p>

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