

REACH LEGISLATION

EUROPEAN UNION'S REGISTRATION, EVALUATION, AUTHORIZATION AND RESTRICTION OF CHEMICALS "REGULATION 1907/2006 AS AMENDED ("REACH")

UPDATED: February 21, 2018 (REACH-181)

Cornell Dubilier Electronics, Inc. ("Cornell Dubilier") has received communications and requests concerning REACH compliance. As a non European Union ("EU") Community manufacturer or supplier exporting articles into the EU, Cornell Dubilier does not have an obligation to pre-register or register its products under REACH. However, all users (including importers and/or producers in the supply chain (as defined under REACH) of Cornell Dubilier products and articles) placing Cornell Dubilier products on the EU market may have obligations under the REACH Directive and if necessary will be required to comply with any registration obligations under REACH should they arise. Cornell Dubilier advises all users (including importers and/or producers and any users (as defined under REACH)) in the supply chain to review REACH, the Guidance Notes prepared the European Commission Environment Directorate General and the [European Chemical Agency](#) ("ECHA") website and [Guidance Notes](#).

To assist in this process a Material Declaration list will be provided upon request. Research is being conducted to use alternate chemicals that will result in the same level of performance in the products and applications for which they are intended.

As stated in our Standard Terms and Conditions for Use, our products are not designed for dispersal. This built in feature aides in the prevention of unwanted chemical solutions into the environment. Disposal shall be performed per all applicable local regulations and guidelines for similar components.

If you have any questions or queries in relation to any Cornell Dubilier products, please contact us. ([Compliance Department](#))

JUSTIFICATION

1. Duty to Register

Article 7(1) of REACH states that any producer or importer of articles shall submit a registration to the ECHA for a substance contained in articles if both of the following criteria are met;

- a. The substance is present in those articles in quantities totalling over 1 tonne per producer or importer per year.
- b. The substance is intended to be released under normal or reasonably foreseeable conditions of use.

Therefore, if there is no intention of releasing the substance from the Cornell Dubilier product or article by an importer or producer there is no obligation to register under REACH. See paragraph 5 below.

2. Duty to Notify

Under Article 7(2) of REACH, if the article meets the criteria under Article 57 of REACH (which may also include Substances of Very High Concern ("SVHC")). These are substances that are classified as carcinogenic, mutagenic, toxic for reproduction, persistent, bioaccumulative and toxic, very persistent and very bioaccumulative or have endocrine disrupting properties. If these substances are in articles and products and the conditions set out below are met, there is an obligation to notify the ECHA where;

- a. The substance is present in those articles in quantities totalling over 1 tonne per producer or importer per year; and
- b. The substance is present in those articles above a concentration of 0.1% weight by weight (w/w).

However, there is an exception to the provisions of Article 7(2) of REACH which provides that there is no obligation to communicate information on substances in articles where exposure to humans and the environment can be excluded during normal or reasonably foreseeable conditions of use including disposal ("Human and Environment Exclusion"). Where this Human and Environment Exclusion applies there is no obligation to notify the ECHA. See paragraph 5 below.

3. ECHA Discretion to Compel Registration of Articles

In addition to the obligations to register and notify the ECHA under Article 7(1) and 7(2) as set out above, the ECHA may also list articles in accordance with Article 7(5) of REACH that must be registered under REACH. The ECHA will make this decision to request registration if they have grounds for suspecting that the substances are being released from the article and the release of the substance is a risk to human health and the environment. The substances in those articles must exceed 1 tonne per producer or importer.

4. Duty to Provide Information

Article 33 of REACH provides that any supplier (established within the EU) (including but not limited to a producer, importer, distributor or other actor in the supply chain) of an article shall communicate information on substances in articles and products if;

- a. A substance (classified under Article 57) and/or an SVHC; and
- b. Is of a concentration above 0.1% weight by weight (w/w).

If each of these criteria is met, sufficient information to allow safe use of the article should be provided. In such case safety instructions should be provided. The "Human and Environment Exclusion" and the tonnage threshold do not apply to Article 33 and the duty to provide information prevails.

5. Cornell Dubilier Products and Articles

A capacitor is an article with an integral substance/mixture. During normal, recommended and reasonably foreseeable conditions of use exposure of substances within articles to both humans and environment can be excluded including disposal (provided disposal is performed in an appropriate and environmentally thorough manner).

If a user, an importer or producer (as defined under REACH) is satisfied that the use and disposal of Cornell Dubilier products and articles is used without the exposure of the substance to humans and the environment, registration under Article 7(1) and the duty to notify under Article 7(2) of REACH will not be necessary.

However, Cornell Dubilier recommends that all parties within the supply chain should provide the relevant information on Cornell Dubilier products to any party in the supply chain and/or consumers on receipt of a

request to assist a party to determine their compliance obligations under REACH. While one user of a REACH article may not have an obligation to register or provide information under REACH, other parties in the supply chain may have an obligation in circumstances where their total use of an article (whether through importing the substance as part of Cornell Dubilier products or other products and articles into the EU) under REACH exceeds the thresholds for registration and/or their use and disposal of Cornell Dubilier products is not within the recommended use set out in the standard terms and conditions.

Please note that this response is a guidance note only and cannot be relied upon as legal advice or assistance and is for information purposes only. Cornell Dubilier accepts no liability in contract, tort or otherwise in respect of this response and obligations on any user of substances or articles to ensure compliance with the obligations under REACH rests with each user of a substance or article.

REQUESTS FOR MATERIAL DECLARATION

Currently the European Chemical Agency ("ECHA") has approved a candidate list of "Substances of Very High Concern" ("SVHC") under the EU REACH Regulation 1907/2006 as amended ("REACH"). This list is updated by the ECHA on an ongoing basis.

Currently five of the substances on this list are/were used in the production of Cornell Dubilier Electronics, Inc. ("Cornell Dubilier") products and/or articles. These substances are [Pitch, DEHP, Boric Acid, and 1-Methyl-2-Pyrrolidone (NMP), Dimethylformamide (DMF).] At this time, Pitch has been removed. However, there may still be some product on our shelves with pitch included. This can be determined by date code. DEHP should be removed in a large majority of our products

To be able to assist the supply chain, Cornell Dubilier will provide sufficient information which, is considered to be a Material Declaration. Upon request Cornell Dubilier will provide a Material Declaration for requested part numbers. Please do not hesitate to contact Cornell Dubilier regarding this matter. (Compliance Department)

Your business is very important to us.