



Dow Europe GmbH
Bachtobelstrasse 3
CH-8810 Horgen
Switzerland

Potential Submission of Trichloroethylene (TRI) to Authorisation

Information Letter No. 3:

Trichloroethylene prioritised by ECHA for its 3rd recommendation for inclusion of substances in Annex XIV of REACH

Dear Valued Customer,

The purpose of this letter is to provide an update on the most recent activity by the European Chemicals Agency (ECHA) around trichloroethylene, the continuous efforts and actions Dow & SAFECHEM are taking to help secure ongoing availability for customers who use this product in a responsible manner and the expected next steps by authorities within the authorisation process.

WHAT'S NEW

On June 15, ECHA has published on its web site¹ the draft of its 3rd recommendation of priority substances for inclusion in Annex XIV (list of substances subject to authorisation). Beside 12 other chemical substances, this draft recommendation also lists trichloroethylene. Interested parties are invited to submit comments by 14 September 2011 latest. In particular comments are expected to be submitted on uses which should be exempted from authorisation requirements.

EFFORTS AND ACTIONS by Dow / SAFECHEM / Industry

Dow and its subsidiary SAFECHEM Europe GmbH (SAFECHEM) will continue its efforts to secure ongoing use of trichloroethylene in applications where risks can be properly controlled, where alternatives would pose higher risks or are not available and where the use of trichloroethylene is found indispensable. In this sense Dow and SAFECHEM will closely work with other producers and the European Chlorinated Solvent Association (ECSA) to actively participate in the public commenting sessions. Our comments will include

- that for critical applications trichloroethylene remains the only choice offering the best, safest and ecologically as well as economically most efficient solution to the tasks downstream user need to perform,
- that industry has heavily invested in promoting and installing substitution and where not possible the use of closed systems with near zero emissions or exposure to the workforce on a voluntary basis,
- that we see valid argumentation for exemption from authorisation requirements for closed systems based on the OEL set by SCOEL at 10ppm.

EXPECTED NEXT STEPS BY AUTHORITIES

ECHA will have to develop its recommendation for the entry into Annex XIV of REACH. This recommendation will have to contain - in accordance with Article 58(1) - proposals for:

- uses exempted from authorisation requirements, if any
- the sunset date: date from which placing on the market is prohibited unless authorisation is granted,
- the application date: date by which applications for authorisation must be submitted
- review periods for certain uses, if appropriate.

¹ http://echa.europa.eu/consultations/authorisation/draft_recommendations/recommendations_en.asp



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It is our understanding that the process of inclusion into ANNEX XIV consists of several steps: After inclusion into the candidate list, prioritisation and (current) consultation on prioritisation as a next step ECHA will summarize a final recommendation taking stakeholder comments into account. Before this recommendation will be handed over to the European Commission, it will be made public for the opportunity to submit comments within 3 month of date of publication. The recommendation may then be updated to take account of comments received.

At the end of the process it is the European Commission who takes the decision on inclusion in Annex XIV.

DEFENDING OUR JOINT INTERESTS

Dow and SAFECHEM continue to invite all concerned downstream users to work with Dow/SAFECHEM to ensure installation of adequate solutions for proper risk control and to work through their associations and/or together with Dow/SAFECHEM to defend joint interests.

Many thanks for your continued confidence in Dow and SAFECHEM.

A handwritten signature in black ink that reads "P. Angelov".

P. Angelov
(Marketing Executive, Europe/IMEA, Dow Europe GmbH)

References to "Dow" or the "Company" mean The Dow Chemical Company and its consolidated Subsidiaries unless otherwise expressly noted.