

## Regulatory Statement for SCLAIR® 2807 Polyethylene Resin

### Chemical Inventories

All components of this product are in compliance with the following chemical inventories:

United States: Toxic Substances Control Act Inventory (TSCA)

Canada: Domestic Substances List (DSL)

Europe: European Inventory of Existing Commercial Chemical Substances (EINECS) or exempt

This product complies with the registration requirements of the REACH Regulation (EC) No. 1907/2006. The component substances have been duly pre-registered, registered, or are exempt from registration. This covers those EU importers included in NOVA Chemicals' Only Representative scheme.

Australia: Australian Inventory of Chemical Substances (AICS)

Korea: Korea Existing Chemicals List (KECL)

Japan: Existing and New Chemical Substances List (ENCS)

The Philippines: Philippines Inventory of Chemicals and Chemical (PICCS)

China: Inventory of Existing Chemical Substances Manufactured or Imported in China (IECSC)

New Zealand: New Zealand Inventory of Chemicals (NZIoC)

Taiwan: National Existing Chemical Inventory in Taiwan (NECI)

The resin is not subject to any rules or orders under TSCA Sections 4, 5, 6, 7, 8 or 12(b) (e.g. consent orders, test rules) or the Canadian Environmental Protection Act (CEPA) (e.g. Significant New Activity Notices (SNACs), prohibitions, etc.).

### U.S. Food and Drug Administration (FDA) Status

Please be advised that the subject resin, as supplied by NOVA Chemicals Corp., complies with the provisions of the United States Federal Food, Drug and Cosmetic Act which are applicable to the resin, and all applicable Food and Drug Administration (FDA) regulations.

Specifically, the subject resin complies with the specifications contained in the U.S. Food and Drug Administration (FDA) regulation 21 CFR 177.1520 for olefin polymers, para. (c) 3.2a, and may thus be used in the United States as an article or component of an article intended for use in contact with food, without temperature or food-type restrictions, subject to technical suitability.

The information cited above is subject to good manufacturing practice and any limitations which are part of the regulations. It is recommended that you consult the regulations for complete details.

### Canadian Health Products and Food Branch (HPFB) Status

Please be advised that NOVA Chemicals has received a letter from the Health Products and Food Branch (HPFB) of Health Canada, stating that HPFB has no objection to the use in Canada of the subject resin in food-contact applications for which the resin is technically suitable.

### European Union (EU) Food Contact Status

Please be advised that the composition of the subject resin, as supplied by NOVA Chemicals, complies with the European Union's food contact regulations including the Framework Regulation (EC) No. 1935/2004, Regulation (EC) No. 2023/2006 (GMP) and Regulation (EU) No. 10/2011, as amended, Annex I (including Table 1, Union list of authorised substances) and Annex II. In addition the resin complies with the relevant national regulations of the EU member states and non-EU countries which have adopted the European Union legislation.

None of the resin's components are subject to Specific Migration Limits (SML) or other restrictions as listed in the above mentioned Annexes I and II. In addition, the resin does not contain any intentionally introduced dual-use additives.

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Details are listed on the resin's Declaration of Compliance for Food-Contact Materials and Articles, which can be provided upon request.

### **EU Directive 2000/53 (ELV)**

We have reviewed European Directive 2000/53/EC, as amended, on end-of-life vehicles (ELV), and confirm that the subject resin complies with the applicable requirements of this directive. Specifically, NOVA Chemicals does not deliberately add lead, mercury, cadmium or hexavalent chromium to the resin, nor are such substances present, to the best of our knowledge, in any of the raw materials used in the resin's manufacture.

### **EU Directives 2011/65/EC (RoHS 2), 2002/95/EC (RoHS)**

We have reviewed EU Directive 2011/65/EC (8 June 2011) on the restriction of the use of certain hazardous substances in electrical and electronic equipment ("RoHS 2" or "RoHS Recast"), and confirm that the subject resin grade complies with the applicable requirements of this directive, as well as the applicable requirements of the original RoHS Directive 2002/95/EC (27 January 2003) as last amended by Commission Decision 2010/571/EU of 24 September 2010.

Specifically, NOVA Chemicals does not deliberately add lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB's) or polybrominated diphenyl ethers (PBDE's) to the resin, nor are such substances present, to the best of our knowledge, in any of the raw materials used in the resin's manufacture.

### **EU Directive 2002/96/EC (WEEE)**

We have reviewed EU Directive 2002/96/EC on Waste Electrical & Electronic Equipment ("WEEE") and can state that no ingredients are used in the manufacture of the subject resin which require selective waste treatment (As, Hg, PCB, PCT, CFC, HCFC, HFC, brominated flame retardant).

### **EU REACH—Absence of SVHC**

Please be advised that none of the component substances intentionally present in the subject resin meet the current criteria for Authorization under the European Union's REACH Regulation (EC) No. 1907/2006.

Specifically, NOVA Chemicals does not deliberately add any substance in the European Chemical Agency's Candidate List of Substances of Very High Concern to the product, nor are any such substances present in the product above the applicable threshold (0.1%).

### **CA Proposition 65**

Please be advised that the subject resin and its components, as supplied by NOVA Chemicals Corporation, do not contain any reproductive toxins or carcinogenic substances, per the state listing of chemicals in effect on the date of this statement, that would require a warning under the California Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

### **Heavy Metals Testing, Coalition of Northeastern Governors (CONEG), Toxics in Packaging Clearinghouse, CA Toxics in Packaging Prevention Act**

NOVA Chemicals does not deliberately add cadmium, hexavalent chromium, lead or mercury to the subject resin. NOVA Chemicals has carried out testing on representative grades and the above heavy metals were not detected. The resin as supplied by NOVA Chemicals will not contain cadmium, hexavalent chromium, lead or mercury at concentrations of 100 ppm (total) or above, thus satisfying the requirements of the CONEG and TPCH Model Toxics in Packaging Legislation, and the California Toxics in Packaging Prevention Act (California Health and Safety Code, §25214.11–25214.21)

### **EU Directive 94/62/EC, CEN Standard prEN 13431**

Please be advised that the subject resin, as supplied by NOVA Chemicals, will not contain lead, cadmium, mercury or hexavalent chromium at a concentration of 100 ppm (total) or above, thus satisfying the essential requirements of EU Directive 94/62/EC Packaging Regulations for heavy metals, as amended. NOVA Chemicals has carried out testing on representative grades and the above heavy metals were not detected.

In addition the subject resin is fully recyclable. As well, it can be safely incinerated in approved facilities under controlled conditions where local regulations permit; this energy value recovery is in accordance with Directive 94/62/EC. Note that the uncontrolled burning of any organic material including plastics may result in potentially toxic emissions, and is not recommended.

### **Ozone-Depleting Chemicals**

The subject resin, as supplied by NOVA Chemicals, does not contain, and is not manufactured with, any Class I or Class II ozone-depleting chemicals. Thus, the resin will not require labeling under 40 CFR 82, subpart E (U.S. Stratospheric Ozone Protection Regulations, Labeling of Products using Ozone-Depleting Substances). In addition, please be advised that the resin does not contain, and is not manufactured with, any atmospheric ozone layer-depleting chemicals cited in the Montreal Protocol of 1987, as amended.

### **Tallow-Derived Substances**

NOVA Chemicals does not deliberately add any tallow-derived substances to the subject resin, nor are such substances present, to the best of our knowledge, in any of the raw materials used in the resin's manufacture. The raw materials used in the manufacture of the resin contain no animal by-products. Consequently, we have no reason to suspect that any tallow-derived materials would be present in the resin as supplied by NOVA Chemicals.

### **Bovine Spongiform Encephalopathy (BSE), Transmissible Spongiform Encephalopathy (TSE), "Mad Cow Disease"**

NOVA Chemicals does not deliberately add to the subject resin any animal-derived (including bovine-derived) constituent substances that may carry the risk of transmitting Bovine Spongiform Encephalopathy (BSE) or Transmissible Spongiform Encephalopathy (TSE), to the subject resin, nor are such ingredients present, to the best of our knowledge, in any of the raw materials used in the manufacture of the resin. The raw materials used in the manufacture of the resin contain no animal by-products.

### **Kosher/Halal Status**

The subject resin, as supplied by NOVA Chemicals, does not contain any animal-derived or kosher/halal-offending constituent substances at the time of transfer of title to the customer. You should therefore anticipate no difficulty in obtaining formal certifications with the use of the resin should you decide to pursue this course.

### **Food Allergens**

NOVA Chemicals does not deliberately add food allergens, specifically peanuts, peanut oil, any peanut products, tree nuts (almonds, brazil nuts, chestnuts, filberts, hazelnuts, hickory nuts, macadamia nuts, pecans, pine nuts, pistachios and walnuts), wheat (gluten), milk (casein), milk products, dairy products, dairy derivatives, lactose with protein, eggs or egg products, soybeans, soy flour, any soy products, fish (bass, flounder, cod, salmon), fish products, shellfish, crustaceans (e.g. shrimp, crabs, lobsters, oysters, clams, scallops, crayfish), molluscs (e.g. snails, clams, squid, octopi) or mollusc products, sulfites, sulfur dioxide, nitrites, food colours, celery or celery products, seeds (e.g. cotton, poppy, sesame, sunflower, mustard) or seed products, aspartame, monosodium glutamate (MSG), caffeine, hydrolyzed vegetable protein (HVP), grains (e.g. rye, barley, oats), or lupine or lupine products to the subject resin; nor are these substances present, to the best of our knowledge, in any of the raw materials used in the manufacture of the resin. While we have not specifically analyzed for the presence of the above-mentioned substances, we have no reason to suspect that they would be present in the resin as supplied by NOVA Chemicals.

### **Absence Declarations**

Please be advised that, with any exceptions noted below, NOVA Chemicals does not deliberately add any of the following materials to the subject resin, nor are such substances present, to the best of our knowledge, in any of the raw materials used in the manufacture of the resin. While we have not specifically analyzed for the presence of these substances, we have no reason to suspect that they would be present in the resin.

Acrylamide  
Alkylphenols including octyl- and nonylphenols  
Alkylphenol ethoxylates including octyl- and nonylphenol ethoxylates

Antimony, arsenic, beryllium, bismuth, and their chemical compounds  
Aromatic amines (restricted in EU Directive 2002/61/EC)  
Artificial musks



Asbestos  
 Azocolorants (restricted in EU Dir. 2002/61/EC)  
 Benzophenones, including 4-methylbenzophenone  
 BHA, BHT, tertiary-butylhydroquinone (TBHQ)  
 Biocides (pesticides, herbicides, insecticides)  
 Bisphenol A and certain epoxy derivatives (e.g. NOGE, BFDGE, BADGE)  
 Brominated flame retardants (e.g. HBCD, PBB, PBDE)  
 Cadmium, chromium (VI), lead, mercury, and their chemical compounds  
 CFC, HCFC, Halons, HFC  
 Chlorinated hydrocarbons  
 Conflict minerals: tantalum (Ta), tin (Sn), gold (Au) and tungsten (W), and their chemical compounds  
 Dimethyl fumarate  
 Dioxins and furans  
 2-EHA, ethoxyquin, ITX, thiuram  
 Epichlorohydrin  
 Epoxidised soybean oil (ESBO)  
 Formaldehyde  
 Genetically modified organisms (GMO)  
 Global Automotive Declarable Substances List (GADSL): None exceeding declarable or prohibited limits  
 Gold, indium, nickel, palladium, and their chemical compounds  
 Melamine

Methylnaphthalenes (including 4-methylnaphthalene)  
 Latex or natural rubber (including natural rubber latex and dry natural rubber)  
 Long-chain (C<sub>9-20</sub>) perfluorocarboxylic acids (PFCAs), their salts, and their precursors  
 Organotin compounds  
 Pentachlorophenol (PCP)  
 Perfluorinated tensides, PFT (e.g. perfluorooctanoic acid, PFOA; perfluorooctyl sulfonates, PFOS)  
 Persistent Organic Pollutants (POP's)  
 Plasticisers (adipates, phthalates e.g.: BBP, DBP, DEHP, DnHP, DIDP, DINP, DNOP)  
 Polychlorinated bi- or terphenyls (PCB/PCT)  
 Polychlorinated dibenzodioxins (PCDD), polychlorinated dibenzofurans (PCDF)  
 Polycyclic aromatic hydrocarbons (PAH)  
 Radioactive substances  
 Recycled materials  
 Short-chain chlorinated paraffins  
 Selenium, silver, tellurium, thorium, and their chemical compounds  
 Silicones  
 Substances dangerous for the environment, listed as "N" in EU Dir. 67/548/EEC  
 Tris-nonylphenyl phosphite (TNPP)  
 UV-hardeners (e.g. ITX)  
 Vinyl chloride, vinylidene chloride, PVC or PVDC

Exceptions: None

As noted, we cannot however be held responsible for any further addition of, or contamination with, any of the above-referenced substances or materials which may occur during processing of the resin to produce finished articles, packaging materials, or their components.

This information is believed to be correct as of the date of this statement. However, since regulations and product specifications are subject to change, we recommend that you contact us in one year's time to confirm the foregoing.

[signed]



Kenneth L. Sonnenberg, M.Sc.  
 Senior Advisor, Product Regulatory Compliance  
 Product Integrity

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