

#08-2021/November 2021

## **Statement issued by Linde Hydraulics to REACH/RoHS/TSCA/ CP 65 regulation**

Dear Sales Partner,

Recently we have received various inquiries regarding REACH, RoHS; TSCA and CP 65. Hereby we would like to provide you with some fundamental information about these topics.

Linde Hydraulics GmbH & Co. KG (LHY) always observes all national and international laws, as well as all valid directives, standards and regulations. We continuously keep track of all changes and additions from the REACH Regulation (1907/2006/EU), especially with regard to Appendix XIV, Appendix XVII and new candidate substances (SVHCs). The RoHS Directive (2011/65/EU) and all associated regulations is also in addition the subject of our particular focus.

In accordance with the regulations, we as manufacturer of products take on the role of downstream user. As such, we ensure the flow of information within the supply chain. Linde Hydraulics has no obligations for substances and registration or notification.

The following procedure ensures our compliance with the valid regulations and legal requirements:

Our suppliers have committed themselves to complying with the forbidden substances regulations and duties of declaration as per REACH/RoHS/TSCA/CP 65. Transparency, intensive partnership-based cooperation and active information exchange are the basis of our business relationships. This ensures that the parts supplied to us meet our requirements.

Our internal team of experts evaluates international products for risk factors.

Based on the risk-orientated evaluation the parts supplied to us are critically checked for compliance with the regulation on forbidden substances and declaration duties.

If the result of our analysis are in any way conspicuous we immediately initiate quality assurance measures.

The manufacturer of lubricating greases and oils used by us takes care of the registration of individual substances.

As per Art. 33 of REACH, Linde Hydraulics provides information for all downstream operators as soon as a product consists of more than 0,1% by weight of a substance on the candidate list. The duty of disclosure under Art. 33 does not stipulate a full material declaration (FMD).

Products that come under the direct scope of the RoHS Directive bear CE Marking and have a declaration of conformity.

**REACH:**

REACH is a European Union regulation for **R**egistration, **E**valuation, **A**uthorisation and **R**estriction of **C**hemicals (Regulation (EC) N° 1907/2006).

It entered into force on June 1, 2007 to streamline and improve the former legislative framework on chemicals of the European Union (EU). REACH places greater responsibility on the industry to manage the risks that chemicals may cause to the health and the environment. The REACH legislation requires suppliers, importers or other involved parties in the process to share responsibility for REACH compliance.

The list of SVHC substances is expanded twice a year and is available on the website of the European Chemicals Agency (ECHA) under:

<https://echa.europa.eu/candidate-list-table>

On 10th September 2015, the European Court of Justice clarified the definition of a product for the purposes of the REACH Directive. This means that suppliers, manufacturers and importers of products will need to have their products reassessed. If the limit value of 0.1% by mass for a substance of very high concern (SVHC) is exceeded in an installed sub-product, the product in question must be informed in accordance with Art. 33 (1) of the REACH Directive – without regard to the m% content of the whole product.

**Information concerning lead metal**

Due to characteristics which render it toxic for reproduction, lead metal (CAS no. 7439-92-1) was added to the REACH candidate list on the 27th of June 2018.

The potentially negative characteristics of lead – with regard to toxicity for reproduction as well – are not new as such, and all previously correct and necessary protective measures for handling materials containing lead remain valid without restriction.

In LHY product, lead is used primarily as an alloying element in copper and steel. Lead is alloyed into metallic materials in order to improve machinability, and it's necessary for manufacturing reasons. Without lead as an alloying element, machinability as well as surface quality are impaired. This would result in faster wear and a shortened product service life.

⇒ **Information in accordance with article 33 (1) of the REACH directive:**

A large portion of our products whose constituents include, amongst other materials, copper alloys (brass), contain more than 0.1% lead metal by mass (CAS no. 7439-92-1).

In addition hard chrome plated surfaces may contain chromium VI (chromium trioxide), with more than 0.1% metal by mass (CAS no. 133-82-0).

**RoHS:**

RoHS covers the restriction of hazardous substances in electrical and electronic products, sold to end customers certain electrical and electronic products must be free (except for trace impurities) of mercury, cadmium, hexavalent chromium, PBB, PBDE and lead. Certain exceptions are allowed such as lead used as an alloying additive in copper, steel and aluminum.

Under current Directive 2011/65/EU effectuated into German law (ElektroStoffVerordnung) the products of Linde Hydraulics GmbH & Co KG (LHY) are not subject to any of the above mentioned regulations. In correlation with the idea of BMP\* Linde Hydraulics pursuits the intention of substitution - internal and with our suppliers.

The use of LHY electronic products (e.g. electronic controls) are covered within the scope of exempted applications (Article 2 (4) => stationary industrial plants and stationary industrial tools, equipment exclusively for R&D, mobile machinery for professional usage). In addition, end-customers are not directly addressed with LHY electronic products.

**TSCA:**

Under the Toxic Substances Control Act (TSCA), the US Environmental Protection Agency (EPA) assesses potential risks from new and existing chemicals to prevent or reduce adverse environmental impacts. The so-called "Chemical Substance Inventory" or "TSCA Inventory" plays a central role in the regulation of almost all industrial chemicals in the United States.

For further information see:

<https://www.epa.gov/tsca-inventory>

TSCA prohibits the manufacture or import of chemicals that are not on the inventory list or are not subject to any of the many exemptions.

Linde Hydraulics assures to the best of our knowledge, none of the chemicals listed in TSCA Section 6(h) are present in our products.

However, the presence of traces of impurities in raw materials of which we have not been informed by our suppliers cannot be excluded.

**California Proposition 65 (CP 65)**

California's Safe Drinking Water and Toxic Enforcement Act<sup>1</sup> of 1986, published in the California Health & Safety Code sec. 25249.6" is often referred to simply as. "California Proposition 65" or for short "CP 65."

CP 65 is a "consumer right to know." Unless companies are exempt from compliance, they must provide a "clear and unambiguous warning" if their products could put individuals in contact with the listed chemicals. Similarly, they must warn the public if they discharge the listed chemicals into drinking water sources.



## Sales info. Vertriebsinformation.

This list consists of about 800 chemicals and is updated annually by the Office of Environmental Health Hazard Assessment (OEHHA) and is updated annually.  
Link to OEHHA's chemical list: <https://oehha.ca.gov/proposition-65>

Linde Hydraulics sells its products exclusively to trade and industry and not to consumers. Sales take place directly with OEM's or distributors/dealers (B2B).  
As we do not supply to consumers we are not obliged to publish any information/warning. As we stand for transparency as a company we would like to inform our customers.

We hereby declare that currently the following chemicals listed in Proposition 65 are used in the products manufactured by Linde Hydraulics GmbH & Co. KG can be contained in the manufactured hydraulic products:

- Lead (CAS no. 7439-92-1).
- Chromium VI (chromium trioxide), (CAS no. 133-82-0).

The listed substances are contained in the product and therefore direct contact/contamination/ exposure to them is not possible.

With best regards

ppa. Mario Sprung  
Vice President Sales EMEA

i.V. Alexander Glaab  
Director Quality

\* Best Manufacturing Practices