



NYCO Minerals, Inc.

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August 5, 2009

To: Whom It May Concern

Re: REACH Status of NYCO wollastonite products and surface treated wollastonite products

1. Updated summary

- a. NYCO wollastonite grades without surface treatment are exempted from REACH registration following Article 2 § 7(b) and Annex V point 7 granting registration exemption to minerals occurring in nature, not chemically modified.
- b. NYCO surface treated wollastonite grades. Per ECHA (European Chemical Agency), a surface modified mineral is considered a chemically surface treated substance. The surface treated substance (i.e. the additive(s) used for the coating) should be registered unless exempted in Annexes IV or V. All the surface treatment chemicals NYCO uses for the coating of our minerals have been pre-registered by our additive suppliers. **NYCO will only supply surface treated products to the EU for which the surface treatment product is REACH -compliant.**

2. The REACH initiative

The European Parliament and the Council have adopted, on 18 December 2006, a new EU regulatory framework for chemicals known as **REACH** (**R**egistration, **E**valuation, **A**uthorisation and restriction of **C**hemicals). The REACH Regulation (EC) 1907/2006 has been published in the Official Journal of the European Union on 30 December 2006 and entered into force on 1 June 2007. Amongst other obligations, REACH requires the registration of chemical substances, followed by an evaluation process. In this process the substances on their own, in preparations or in articles are evaluated in respect to health, safety and environmental aspects when manufactured, stored and used. The registration process will stretch over the next 11 years and was preceded by a pre-registration phase (1 June 2008 – 1 December 2008).

3. Minerals and wollastonite under REACH

With respect to minerals, Article 2 § 7(b) and Annex V point 7 explicitly exempt from registration and evaluation "minerals which occur in nature, if they are not chemically modified" because such a registration is deemed inappropriate or unnecessary for these substances and their exemption from these requirements does not prejudice the objectives of this Regulation. **Consequently, wollastonite falls under the scope of this definition and is exempted from registration.** *The "wollastonite" substance applies to all our wollastonite grades (New York and Mexico facilities) without surface treatment.*

4. Coated (or surface treated) minerals under REACH

Description of a coated (or surface treated) mineral

A coated mineral is a surface-modified mineral which results from a two-dimensional modification of the mineral particles with a coating agent solely intended to give a specific physiochemical characteristic. The coating process only occurs on the surface of the mineral particles used as the substrate substance.

One Mineral, A World Of Applications

NYCO's product line includes surface treated versions of its wollastonite grades (applicable to the New York and Mexico facilities).

Registration duty of coated minerals under REACH

According to the above definition, a coated mineral is a chemically surface treated substance.

A coated (or surface treated) mineral should not be registered as such under REACH⁽¹⁾, but the following requirements should be fulfilled:

1. Registration of the basis substance (i.e. the mineral) unless exempted in Annexes IV or V.
2. Registration of the surface treating substance (i.e. the coating) unless exempted in Annexes IV or V
3. Description of the use "surface treatment" in the registration dossier of the surface treating substance and in the registration dossier of the basis substance, unless these substances are exempted from registration
4. Any specific hazards or risks of the surface treated substance should be appropriately covered by the classification and labelling and by the chemicals safety assessment and resulting exposure scenarios, if a registration dossier is required for these substances.

(1) This statement is supported by the "ECHA Frequently Asked Questions on REACH by Industry", Version 2.2 published on 4 June 2008 (see Appendix I enclosed)

5. Going Forward

NYCO will continue to closely monitor the development of the REACH legislation by actively working through its industry association (IMA-Europe¹) and providing stakeholder input into the legislative development process. A REACH compliant Safety Data Sheet (SDS) for wollastonite and surface modified wollastonite has been created and posted on the IMA-Europe website; a copy of the SDS is available from NYCO upon request. NYCO has appointed Messrs. Salvatore LaRosa and Christophe deBellefroid responsibility for REACH implementation. With the assistance of IMA-Europe, NYCO Minerals will ensure that our products sold in the EU are REACH-compliant.

Most Sincerely,



Salvatore LaRosa
Health Committee Chairperson

Excerpt of the "ECHA Frequently Asked Questions on REACH by Industry",
Version 2.2 published on 4 June 2008

6.3.8 Do I have to register chemically surface treated substances? (Included 04/06/2008)

The surface treatment of a substance is a "two dimensional" modification of macroscopic particles. A "two dimensional" modification means a chemical reaction between the functional groups only on the surface of a macroscopic particle with a substance which is called a surface treating substance.

By this definition it becomes clear that this kind of modification means a reaction of only a minor part (surface) of a macroscopic particle with the surface treating substance, i.e. most of the macroscopic particle is unmodified.

Therefore a chemically surface treated substance cannot be regarded as a preparation nor be defined by the criteria of the "[Guidance for identification and naming of substances under REACH](#)".

With the same reasoning, a chemically surface treated substance could not be reported for EINECS nor be notified according to Directive 67/548/EEC because it was covered by the separate EINECS entries of both the basis substance (macroscopic particle) and the surface treating substance.

Taking this decision up under REACH means a consequent continuation of former decisions. Using the same line of arguments, chemically surface treated substances should not be registered as such under REACH, but the following requirements should be fulfilled:

1. Registration of the basis substance (macroscopic particle)
2. Registration of the surface treating substance
3. Description of the use "surface treatment" in the registration dossier of the surface treating substance and in the registration dossier of the basis substance
4. Any specific hazards or risks of the surface treated substance should be appropriately covered by the classification and labelling and by the chemicals safety assessment and resulting exposure scenarios.

The full document is available at the following link http://echa.europa.eu/reach/faq_en.asp