

MEMO

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Job **Harmonite Regulatory Compliance**
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Statement of EU REACH Article 33 "Substances of Very High Concern", California Proposition 65 and the U.S. Toxic Substances Control Act communication requirements for Harmonite® products manufactured by RSS, LLC., a wholly owned subsidiary of The Dupps Company.

Ramboll's Global Product Safety and Stewardship practice was engaged to assess regulatory compliance status and identify any compliance obligations associated with the manufacturing and introduction of the Harmonite product line in the US, and for possible future shipments to the EU either directly by RSS or its customers. The following table summarizes the assessment results to date and is explained further in the technical assessment sections below.

Background and Regulatory Assessment:

Harmonite products are manufactured from a selective family of used residential shingles (upwards of 25 years since original installation) which are members of a common family of asphalt roofing shingles as described via the SDS in Appendix A, and which are known to be asbestos-free. Upon recovery, the used shingles are processed at the RSS factory through a patented and proprietary thermomechanical process that does not drive any chemical reactions or transformations among the shingle chemical constituents. Following processing, the product is then sieved to achieve a variety of particle size ranges and packaged for placement on the market, primarily to customers in the USA. Harmonite products are incorporated into a wide variety of products including industrial coatings, adhesives, sealants and elastomeric compounds and are used in flashing tapes, rubber floor mats, gaskets, and other related materials found in construction, automotive and other industries.

EU Registration, Evaluation, Authorisation and Restriction of Chemicals Regulation EC No 1907/2006 (REACH) Status

The key constituents known to be formulated into these asphalt roofing shingles and that are present in the Harmonite product have been evaluated to determine any EU REACH supply chain reporting obligations. Importantly, none of these constituents are currently listed on the EU REACH Candidate List, Annex XIV, or Annex XVII. Furthermore, process prototypical samples of Harmonite have been tested in 3rd party certified laboratories to determine the presence or absence of various chemical families including phthalates, heavy metals, SVOC's and PAH's. None exceeded EU REACH thresholds, and most were below detectable levels. At this time, there are no EU REACH Article 33 or other downstream user communication obligations or restrictions associated with importation of Harmonite containing products into the EU.

The Dupps Company will continue to review the routine additions to the EU REACH Candidate List, and Annexes XIV or XVII and will determine whether additional new EU REACH supply chain reporting obligations apply in the future.

U.S. Toxic Substance Control Act (TSCA) Status

The Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, requires the USEPA to designate chemical substances listed on the TSCA Chemical Substance Inventory as either “active” or “inactive” in U.S. commerce. To accomplish this, EPA issued a final rule (TSCA Inventory Notification (Active-Inactive) Rule) on August 11, 2017 requiring industry to report chemicals manufactured (including imported) or processed in the U.S. over the 10 year period ending June 21, 2016 as being “active” on the Inventory. The reporting period for manufacturers and importers ended on February 7, 2018, and the reporting period for processors ended on October 5, 2018. All ingredients identified on the Harmonite-40, Harmonite-70, Harmonite-100 and Harmonite C U.S. Safety Data Sheet dated May 16, 2018 are on the current TSCA “Active” Inventory. Based on professional judgement, RSS is not subject to Chemical Data Reporting (CDR) reporting for its Harmonite products as shingles used to produce the Harmonite product portfolio are sourced domestically from the U.S. and there are no chemical transformations or covalent chemical reactions taking place during Harmonite production. Finally, there are no chemicals contained in the Harmonite product portfolio subject to any TSCA Significant New Use Rules (SNURs) or other reporting requirements.

Safe Drinking Water and Toxic Enforcement Act of 1986 (California Proposition 65) Status

In November 1986, voters in the State of California passed the Safe Drinking Water and Toxic Enforcement Act of 1986, better known as Proposition 65. One of the requirements of Proposition 65 is that businesses are to provide a clear and reasonable warning for products regarding potential exposure to chemicals published by the Governor that are known to the State of California to cause cancer, birth defects or other reproductive harm.

RSS’ compliance with the California Proposition 65 warning requirements includes printing statements on Safety Data Sheets (SDSs). If applicable, the warning statements appear in Section 15, “Regulatory Information” on the product SDS which is attached. Additionally, the SDS provides information to guide users to minimize exposure.

Appendix A: US SDS for Harmonite® family of Products