

## MEMORANDUM TO ALL IMPORTERS AND DISTRIBUTORS OF MAXI-BLAST PLASTIC BLAST MEDIA IN THE EUROPEAN UNION

Maxi-Blast, Inc., has thoroughly researched and studied the EU's REACH legislation as it applies to our products. We have determined that all of the different types of Plastic Blast Media that Maxi-Blast manufactures for Surface Cleaning, Depainting, Deflashing, and Deburring applications satisfy the definition of "articles" under REACH. Please refer to:

1) The definition of "Article" in the principal REACH legislation document – EC Regulation No. 1907/2006. Please refer to Chapter 2 ("Definitions and general provision"), Article 3 ("Definitions"), Point No. 3, which reads:

**Article: means an object which during production is given a special shape, surface or design which determines its function to a greater degree than does its chemical composition.**

Please also refer to the definitions of Point 24 ("Use") and Point 25 ("Identified Use").

2) Please also refer to the ECHA guidance document that is entitled "Guidance on Requirements for Substances in Articles" (published May 2008). Section 3 ("Deciding What is an Article under REACH") includes Statement 3.1 ("The function of an object"), which reads:

**The function of an object, which may or may not be an article, is determined by what its producer/supplier wants it to be used for and what the person acquiring it expects it to do. ....If it is difficult to decide whether or not an object is an article it may be necessary to further analyse what its function is: The function refers to the basic principle determining the use of the object.**

3) In the "Guidance for Articles," Statement 3.3 about "Workflow for deciding if an object is an article or not," includes Figure 2 ("Decision taking on the article definition."). The three diamond shape questions in this Figure are the three central questions for making the decision of article status. These three questions ask:

- 1) Is chemical composition more relevant to function than shape, surface and design?
- 2) Is the object a raw material under processing?
- 3) Can the chemical content be separated from main object?

Maxi-Blast's answers to all three of these questions is "NO," and these three "NO" answers are based on our exhaustive reading of the REACH Legislation and the many Guidance Documents. Maxi-Blast's "NO" answers are confirmed by the REACH managers at multinational companies that supply polymers from non-EU sites to Maxi-Blast for its plastic blast media production in the U.S. These REACH officers, who are familiar with Maxi-Blast's products, have told Maxi-Blast: "It is obvious that your plastic blast media are articles."

All of the Maxi-Blast Plastic Media are specifically designed to be used in specialized blasting systems in a process similar to sandblasting to remove what is not wanted – surface residues and contaminants, paints and coatings, flash, and burrs – without damaging or changing the sensitive substrate below or the component itself. The primary applications of Maxi-Blast plastic blast media are:

- 1) Surface cleaning applications – cleaning molds, processing screws, etc., without damaging the sensitive, precise, metal surface below.
- 2) Non-abrasive depainting or stripping paints and coatings from sensitive metal surfaces that must be re-painted or tested and recoated.
- 3) Deflashing of molded rubber parts (at cryogenic temperatures in cryogenic wheel-blast deflashing systems); deflashing of molded thermoset plastic parts or molded thermoplastic parts with brittle flash (in both wheel-blast and airblast systems at ambient temperature); and deflashing soft metal diecastings (usually done at low temperature). The deflashing must be done without damaging or marking the parts or surfaces being deflashed and without the media particles becoming stuck, or lodged, in the parts.

Maxi-Blast's plastic blast media are produced in very specific and exact designs, shapes, surfaces, and sizes for very specific blast cleaning applications. There are two general categories of Maxi-Blast plastic blast media:

- 1) Plastic blast media in granular form that are used for blast surface cleaning and depainting (stripping)

applications. It is essential that these blast media have blocky, angular particles and precise sizing to do their job properly and efficiently. This category of Maxi-Blast plastic blast media functions by its cutting, chipping, and shearing actions – physical phenomena that are made possible by the media's design, shape, surface, size, etc., all of which are physical properties.

2) Plastic blast media in cylindrical (height = diameter), cubical, and spherical shapes. These blast media are principally used for deflashing (molded rubber and thermoset plastic parts as well as soft metal diecastings) and deburring (primarily for machined plastic and metal parts). It is essential that these media have specific designs, shapes, and surfaces as well as precise sizing to do their job. This category of Maxi-Blast plastic blast media functions by kinetic energy at impact and its ability to reach and penetrate complex flash and small holes and channels, to impact and remove the flash, and then exit from the part's small holes, channels, and recesses – all without damaging the part or altering its surface appearance in a non-desirable way. Blast deflashing and deburring applications with plastic media blasting are physical phenomena that are made possible by the media's design, shape, surface, exact size, etc., all of which are physical properties.

Example: One particular type and size of Maxi-Blast Blast Cleaning Granular Media is used for non-abrasive blast cleaning of heavy, tenacious deposits on tool steel mold surfaces in the rubber industry. The blasting is done in special equipment designed for blast surface cleaning applications (preferably an airblast direct pressure cabinet system made specifically for optimal plastic media blasting). This type of media is highly effective in blast cleaning molds, but it will not perform properly if it is used for cryogenic shot blast deflashing of a rubber part. Each type of Maxi-Blast Plastic Blast Media has a highly specific function and the shape, surface, design, and size that enables it to perform its function thoroughly and efficiently.

When importers to the EU, EU distributors, and the actual EU end users purchase Maxi-Blast Plastic Blast Media, they are buying it only for a specific blast cleaning, depainting, deflashing, or deburring applications, and they do not intend to use it in any other way. The plastic blast media are finished articles that are ready for use, and the plastic blast media do not undergo any further processing prior to use. Additionally, these experienced EU importers, distributors, and end users purchase specific media types and sizes, shapes, colors, etc., because they understand that the design, shape, surface, and size of the purchased Maxi-Blast Plastic Media will do the job for them, and they also know that other Maxi-Blast plastic blast media types and sizes do not have the design, shape, etc., to accomplish their specific objective. This gives further credence to our conclusion that Maxi-Blast plastic blast cleaning media are "articles" with specific functions that depend on their "special shape, surface or design".

ALSO: Maxi-Blast plastic blast media do not change their composition in any way during use, and the media particles do not break down into separate substances. During use, Maxi-Blast plastic blast media does not intentionally or unintentionally release any substance or substances. The Maxi-Blast plastic media particles become smaller and smaller during blasting, but these smaller and smaller particles still have the same composition as the fresh, unused Maxi-Blast plastic media particles.

Maxi-Blast does not produce monomers and polymers. Maxi-Blast uses polymers to manufacture specific types of plastic blast media, each of which has a specific design, surface, shape, and size that determines its function.

Maxi-Blast has examined each plastic blast media type, and we have determined that these media do not contain "Substances of Very High Concern" (SVHCs).

If you have any questions pertaining to Maxi-Blast's Plastic Blast Cleaning Media and the REACH legislation – or any questions about our decision that our Plastic Blast Cleaning Media, under REACH, are articles that do not release substances and do not contain SVHCs and are, therefore, exempt from REACH registration – please feel free to contact:

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Thank you for your business. We sincerely appreciate your purchases of Maxi-Blast Plastic Blast Media for surface cleaning, depainting, deflashing, and deburring applications.

## **MAXI-BLAST PLASTIC BLAST MEDIA - ARTICLES EXEMPT FROM REACH REGISTRATION**

### **Links to EU Documents:**

1) This is a link to: REGULATION (EC) NO. 1907/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 18 DECEMBER 2006, CONCERNING THE REGISTRATION, EVALUATION, AUTHORISATION AND RESTRICTION OF CHEMICALS (REACH)

Click here: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L;2006:396:0001:0849:EN:PDF>

This is the BIG PRINT version (849 pages) of the principal REACH legislative document.

Pages 41 to 46: Table of Contents

Page 53 - Title I - "General Issues" - Chapter 2 "Definitions and general provision"

Article 3 - "Definitions"

Page 54 - 3(3) Definition of "Article"

Page 55 - 3(10, 11, 12) Definitions of "Import," "Importer," and "Placing on the market"

Page 55 - 3(12) Definition of "Downstream User"

Page 58 - 3(24) Definition of "Use"

Page 59 - 3(26) Definition of "Intended Use"

2) This is a link to: ECHA GUIDANCE FACT SHEET FOR REQUIREMENTS FOR SUBSTANCES IN ARTICLES, dated 1 August 2008.

Click here: [http://echa.europa.eu/doc/reach/echa\\_08\\_of\\_03\\_articles\\_en\\_20080801.pdf](http://echa.europa.eu/doc/reach/echa_08_of_03_articles_en_20080801.pdf)

This FACT SHEET summarizes the actual Guidance document, which is "Guidance for requirements for substances in articles," dated May 2008.

3) This is a link to: The actual guidance document "Guidance on requirements for substances in articles," May 2008.

Click here: [http://reach.jrc.it/docs/guidance\\_document/articles\\_en.pdf](http://reach.jrc.it/docs/guidance_document/articles_en.pdf)

Pages 5 to 8 are the Table of Contents for this guidance document.

Page 21 - This is the beginning of Chapter 3 - DECIDING WHAT IS AN ARTICLE UNDER REACH.

Sections of Chapter 3:

3.1 "The function of an object" - pages 21-22.

3.2 "The shape, surface and design of an object" - page 22

3.3 "Workflow deciding if an object is an article or not" - pages 22-23 - including Figure 2 (page 23) "Decision taking on the article definition" - The questions in Figure 2 are the source of the three Maxi-Blast answers of "NO" in the Memorandum:

1) No, shape, surface and design are more relevant to function.

2) No, the object is not a material under processing.

3) No, the chemical content cannot be -- and is not -- separated from the object.

3.31 "Borderline in the sequence of processing natural or synthetic materials to final articles" on pages 23-24.

Page 65 - LIST OF APPENDICES (to this Guidance Document about Articles)

Page 66 - APPENDIX 1: DEFINITIONS AND EXPLANATIONS" begins.

Page 66 - "Definition: Article according to Article 3(3)" (of EC Regulation 1907/2006 - the principal REACH legislation), followed by an Explanation."

Page 67 - Definition of "Use" according to Article 3(12) of the REACH EC 1907/2006.

Page 67 - Definition of "Identified use" according to Article 3(25) - followed by an Explanation.

Page 67 - 68 - Explanation of "Intended Release."

Page 68 - 69 - "Definition: Manufacturer (Article 3(7)), Producer of an Article (Article 3(4)) or Importer (Article 3(11))" and an Explanation. "Manufacturer" refers to a manufacturer in the EU.

Page 69 - Explanation of "Normal conditions of use."

Page 70 - Explanation of "Reasonably foreseeable conditions of use."