

Martin Marietta Magnesia Specialties



8140 Corporate Drive
Suite 220
Nottingham, MD 21236

Mark T. Wajer
Vice President
Business Development & Technology

Telephone: 800-648-7400
Telephone: (410) 780-5537
Fax: (410) 780-5666

E-mail: mark.wajer@martinmarietta.com
Web Site: www.magspecialties.com

November 11, 2010

To Whom It May Concern:

On June 11, 2009, NOTOX, our “Only Representative” was notified that the magnesium oxide SIEF was disbanded because the European Chemical Agency exempted magnesium oxide from REACH in Annex V.

Recently, there have been questions regarding compliance with Classification, Labeling and Packaging (CLP) regulation. Dr. Anna Piskiewicz, Regulatory Affairs Manager for NOTOX assigned to Martin Marietta, replied as follows:

“Some of the substances exempted from registration must be notified for CLP; however, this applies only to the substances that are classified as hazardous (below marked in yellow). Our substance MgO is not classified as hazardous under the CLP Regulation (EC) No. 1272/2008 and was not classified as dangerous under the Directive 67/548/EEC, therefore there is no need for CLP notification (green part).

3.13. Is it necessary to notify substances to the C&L Inventory that are exempted from registration under REACH?

Yes, it is, under the conditions of CLP Article 39(b) and 40(1): where a substance is exempted from registration under REACH, CLP requires it to be notified to the C&L Inventory if it is classified as hazardous and is placed on the market either on its own or contained in a hazardous mixture above specified concentration limits. Examples are hazardous substances that are recovered in the EU and that are exempted from registration under REACH Article 2(7)(d). On the other hand, substances which are exempted from registration under REACH and which are not classified as hazardous and placed on the market do not have to be notified to the C&L Inventory.”

Therefore, Martin Marietta considers its magnesium oxide products to be “non-hazardous” and do not require CLP notification.

We are in the process of revising our product labels to reflect this.

If there are any questions, please contact Linda Rogers, Senior Process Engineer at our Manistee plant at linda.rogers@martinmarietta.com or 231-723-1200 or myself.

Mark T Wajer

