



June 27, 2008

RE: Notice Regarding the Recent EU Court judgment annulling the exemption of deca-BDE (decabromodiphenyl ether) under the European Union's Restrictions on Hazardous Substances (RoHS) Directive

We would like to make you aware of a recent environmental regulation. The European Union has just rescinded their exemption for deca-BDE (decabromodiphenyl ether also known as DBDPO, decabromodiphenyl oxide) under the RoHS directive. The rescission was based on a procedural technicality and not on the safety of deca-BDE. This goes into effect on **July 1, 2008** unless the exemption can be reinstated. If it is not reinstated, products made with deca-BDE that go into electrical and electronic equipment cannot be sold in Europe after that date. Despite industry efforts, it may be difficult to reverse this ruling in time.

The European Court judged that the Commission had not followed the proper procedures for exempting deca-BDE under RoHS. This ruling does not put into question the safety or science of deca-BDE. As you are probably aware, commercial deca-BDE has been subject to an EU risk assessment for a few years. In 2004, no significant risks from the substance were identified. On that basis, no restrictions on marketing and use were required.

The obligation on the European Commission stated in the annex to the RoHS directive to "evaluate the applications for deca-BDE (...) as a matter of priority" remains valid. The manufacturers of deca-BDE are currently assessing their potential options following this ruling. This includes requesting a reintroduction of the exemption or removal of deca-BDE from the RoHS directive altogether. However, until these requests are approved, components containing deca-BDE can not be sold into Europe.

We wanted to make you aware of this ruling **because we sell you products that contain deca-BDE**. This affects you if you use some of our products in parts shipped to Europe. Please understand that Federal-Mogul was asked by its supplier to inform its customers and had to commit to indemnify the supplier for all damages which Federal Mogul's supplier may incur due to a violation by Federal-Mogul or a third party being supplied by F-M. If none of your products go to the EU, you are not affected.

Please be assured that this regulation does **NOT** affect all Bentley Harris protection products. It only affects those which include a brominated flame retardant such as our FR PET line of expandable products. Please contact me if you have questions about the specific products you purchase.

If you have any further questions regarding this subject, please feel free to contact me at the number below.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Bauer', with a long horizontal flourish extending to the right.

Mark Bauer
Global Environmental Manager
Federal Mogul Corporation
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