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Hazard Communication Compliance Declaration

Newell Brands (NWL) writing instruments comply with U.S. OSHA GHS Hazard Communication Standard of 29 CFR section 1910.1200 (OSHA HazCom 2012) by virtue of exemption as 'articles' and as 'consumer products' per 29 CFR section 1910.1200(b)(6)(v) and (ix). Therefore, GHS Safety Data Sheets are not required for our writing instruments.

An 'article' is defined in Section 1910.1200(c) "as a manufactured item other than a fluid or particle:

- Which is formed to a specific shape or design during manufacture;
- Which has end use function(s) dependent in whole or in part on its shape or design during end use; and
- Which, under normal conditions of use, does not release other than very small (minute or trace) amounts of a hazardous chemical and does not pose a physical hazard or health risk to employees."

The 'consumer product' exemption in 29 C.F.R. section 1910.1200(b)(6)(ix) states that:

- Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended.

OSHA has consistently taken the position, in various rulemaking documents and interpretation letters, "most office products (such as pens, pencils, adhesive tape) to be exempt under the provisions of the rule, either as articles or as consumer products." Markers also fall into these exempted categories. This position is cited currently on OSHA's website in a letter from OSHA Assistant Secretary John A. Pendergrass to U.S. Congressman Jim Bunning. These examples are cited again in OSHA's FAQs on the Hazard Communication Standard which further reinforces that Newell Brands' writing products are exempt from Hazard Communication requirements, specifically GHS Safety Data Sheet documentation.

A non-exhaustive list is provided below of Newell Brands writing instruments that qualify as 'articles' and 'consumer products' that are exempt from GHS Safety Data Sheet requirements:

- Prismacolor Premier Colored Pencils and Sharpeners
- Prismacolor Nupastels and Art Stix and Erasers
- Prismacolor Premier Markers
- Sharpie Permanent Markers
- Sharpie Highlighters (Clearview, Accent, etc.)
- Sharpie Professional, Industrial and T.E.C. Markers
- Paper Mate Flair Pens
- Sharpie Pens
- Paper Mate Pens (InkJoy, FlexGrip, Replay, etc.)
- Paper Mate Mechanical Pencils and Pearl Erasers
- Paper Mate Replay Premium Erasable Pens
- Elmer's Painters Markers
- Expo Dry Erase Markers
- Expo Whiteboard Cleaner Wipes
- Expo Learning Boards
- Liquid Paper Correction Pens
- Liquid Paper Dryline Correction Tape
- Parker Fountain Pens
- Waterman Fountain Pens
- Rotring Tikky Ballpoint Pens
- Woodcase Pencils (Mongol, Mirado, etc.)
- Reynolds Pens
- X-acto knives

5 Concourse Parkway NE | Atlanta, GA | Phone 1-800-346-3278 | www.newellbrands.com