

HYDROGEN PEROXIDE CLASS ACTION LITIGATION
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1. WHAT IS THIS LITIGATION ABOUT?

Class actions have been commenced in Ontario, British Columbia and Quebec alleging that the Defendants participated in an illegal conspiracy to fix prices and allocate markets for Hydrogen Peroxide in North America.

The class actions have been pursued on a national basis, with the litigation focused in Ontario. The settlements reached in the litigation apply with respect to the Ontario, British Columbia and Quebec class actions, and apply on a national basis. Settlement Class Members who do not fit within the British Columbia or Quebec class, as defined below in Question 3D, are included in the Ontario class.

The class actions were commenced against the following Defendants:

- Solvay Chemicals Inc. and Solvay S.A. (collectively "Solvay")
- Evonik Degussa Corporation formerly Degussa Corporation, Evonik Degussa formerly Degussa A.G., and Evonik Degussa Canada Inc. formerly Degussa Canada Inc. (collectively "Degussa")
- Eka Chemicals, Inc., Eka Chemicals Canada Inc., and AkzoNobel Chemicals International B.V. (collectively "Akzo")
- Atofina Chemicals Inc., Arkema Inc., Arkema Canada Inc., and Arkema S.A. (collectively "Arkema")
- FMC Corporation and FMC of Canada, Ltd. (collectively "FMC")
- Kemira OYJ and Kemira Chemicals Canada Inc. (collectively "Kemira")

As outlined in Question 3A, only some of the Defendants have entered into settlements. Notwithstanding, Settlement Class Members can claim for their Hydrogen Peroxide purchases from all Defendants.

2. WHAT IS HYDROGEN PEROXIDE?

Hydrogen Peroxide is a clear colourless inorganic liquid used primarily as a bleach or oxidizer. Hydrogen Peroxide is sold in aqueous solutions, typically 35%, 50% or 70% by weight, in different grades or formulations specifically tailored for enhanced performance in a particular application of the product. Hydrogen Peroxide is used primarily in the pulp and paper industry as a bleaching agent. It is also used in a variety of other products and processes, including water purification, gold processing, hair dyes, and cleaning agents.

Sodium Perborate and Sodium Percarbonate are related products of Hydrogen Peroxide.

Sodium Perborate is a white, odourless, water-soluble chemical compound that is used in many detergents, cleaning products, and laundry bleaches and in some tooth bleach formulas.

Sodium Percarbonate is a white crystalline water-soluble chemical compound that is used in a number of home and laundry cleaning products.

The term “Hydrogen Peroxide” refers to Hydrogen Peroxide, Sodium Perborate and Sodium Percarbonate.

Hydrogen Peroxide Products are products that contain Hydrogen Peroxide and products the production of which involved the use of Hydrogen Peroxide.

3. WHAT SETTLEMENTS HAVE BEEN ENTERED INTO?

A. Which Defendants have settled?

Separate settlements have been reached with four groups of Defendants (collectively “the Settling Defendants”):

- Solvay Chemicals Inc. and Solvay S.A.
- Evonik Degussa Corporation formerly Degussa Corporation, Evonik Degussa formerly Degussa A.G. and Evonik Degussa Canada Inc. formerly Degussa Canada Inc.
- Eka Chemicals, Inc., Eka Chemicals Canada Inc. and AkzoNobel Chemicals International B.V.
- Kemira OYJ and Kemira Chemicals Canada Inc.

These settlements apply on a national basis.

Although only some Defendants have settled, Settlement Class Members can claim for their Hydrogen Peroxide purchases from all Defendants.

B. What are the terms of the settlements?

Under the terms of these Settlement Agreements, Solvay has agreed to pay Cdn \$2,700,000, Degussa has agreed to pay Cdn \$12,000,000, Akzo has agreed to pay Cdn \$2,190,000, and Kemira has agreed to pay Cdn \$3,600,000 (cumulatively the “Settlement Fund”), in exchange for a full release of claims against them relating to the Ontario, British Columbia and Quebec class actions. The Settling Defendants have paid a total of \$20,490,000 into the Settlement Fund. The Settlement Fund has been invested in an interest bearing account for the benefit of Settlement Class Members.

Solvay, Degussa, Akzo, and Kemira have each agreed to provide cooperation to the Plaintiffs in pursuing the litigation against the six remaining Defendants: Atofina Chemicals Inc., Arkema Inc., Arkema Canada Inc., Arkema S.A., FMC Corporation, and FMC of Canada, Ltd.

The settlements are a compromise of disputed claims. Solvay, Degussa, Akzo, and Kemira do not admit liability.

C. Have the settlements been approved?

In a class action, any settlement entered into by the Plaintiffs must be approved by the courts.

In Ontario, the Solvay, Degussa and Akzo Settlement Agreements were approved on September 25, 2008 and the Kemira Settlement Agreement was approved on December 5, 2008.

In British Columbia, the Solvay, Degussa and Akzo Settlement Agreements were approved on November 12, 2008. The Kemira Settlement Agreement was approved on February 23, 2009. The related orders were entered on April 17, 2009.

In Quebec, the Solvay, Degussa, Akzo and Kemira Settlement Agreements were approved on February 20, 2009.

D. Who can participate in the Settlements?

The Settlement Class includes all persons in Canada who purchased Hydrogen Peroxide or Hydrogen Peroxide Products between September 14, 1994 and January 5, 2005 (the “Class Period”), except the Defendants and certain entities or persons related to the Defendants. Settlement Class Members who purchased Hydrogen Peroxide Products will not receive direct compensation. As explained below, in Question 6, these Settlement Class Members will be compensated through a *cy pres* distribution.

Settlement Class Members in Ontario, and in provinces other than British Columbia or Quebec, as well as corporations of more than 50 employees in Quebec are members of the “Ontario Settlement Class”. Settlement Class Members in British Columbia are members of the “British Columbia Settlement Class”. Individuals and corporations of 50 or less employees in Quebec are members of the “Quebec Settlement Class”.

Ontario, British Columbia and Quebec Settlement Class Members are treated the same under the terms of the Settlement Agreements.

E. What compensation is available to Settlement Class Members under the settlements?

As indicated above, in Question 3B, the Settling Defendants have paid a total of \$20,490,000 into the Settlement Fund. The allocation of the Settlement Fund is determined in accordance with the Distribution Protocol, which has been approved by the Ontario, British Columbia and Quebec Courts and is available online at www.hydrogenperoxideclassaction.ca. The Distribution Protocol is contained in the document titled “Administration of the Settlement Agreements”.

Settlement Class Members have been divided into two basic categories for the purpose of the Distribution Protocol:

- i. Upstream Purchasers. Upstream Purchasers are Settlement Class Members who purchased Hydrogen Peroxide. Upstream Purchasers are defined to include Direct Purchasers, Distributors and Manufacturers.
 - a. A Direct Purchaser means a person or entity in Canada, other than a Distributor, who purchased Hydrogen Peroxide directly from a Defendant.

- b. A Distributor means a person or entity in Canada who purchased Hydrogen Peroxide from a Defendant and resold the Hydrogen Peroxide without further processing or including it in any other product.
- c. A Manufacturer means a person or entity in Canada, who purchased Hydrogen Peroxide that was manufactured by a Defendant directly from a Distributor, and who manufactured Hydrogen Peroxide Products.

Upstream Purchasers may fit within more than one of these categories. For example, Upstream Purchasers may be a Direct Purchaser in respect of some Hydrogen Peroxide purchases and a Distributor in respect of other Hydrogen Peroxide purchases.

- ii. Downstream Purchasers. Downstream Purchasers are Settlement Class Members who purchased Hydrogen Peroxide Products.

The compensation available to each category of Settlement Class Members is outlined below.

Upstream Purchasers who have filed a claim may be referred to as "Claimants".

4. AS AN UPSTREAM PURCHASER, WHAT COMPENSATION AM I ENTITLED TO?

Under the terms of the Distribution Protocol, 94% of the Settlement Fund (Cdn \$19,260,600), plus accrued interest less (a) proportionate Class Counsel Fees, disbursements and taxes, (b) proportionate costs of notice, and (c) costs of administration (the "Upstream Purchasers Settlement Fund") will be paid out as compensation to Upstream Purchasers who satisfy the eligibility requirements.

Compensation will be calculated by the Claims Administrator in the following manner:

- A Direct Purchaser who establishes, to the satisfaction of the Claims Administrator, that it purchased Hydrogen Peroxide between September 14, 1994 and December 31, 2001, shall be entitled to a pro-rata share¹ of the Upstream Purchasers Settlement Fund, with such share to be based upon a value equal to 100% of the Direct Purchaser's established Hydrogen Peroxide purchases² from the Defendants in that period.
- A Direct Purchaser who establishes, to the satisfaction of the Claims Administrator, that it purchased Hydrogen Peroxide between January 1, 2002 and January 5, 2005, shall be entitled to a pro-rata share of the Upstream Purchasers Settlement Fund, with such share to be based upon a value equal to 10% of the Direct Purchaser's established Hydrogen Peroxide purchases from the Defendants in that period.

1 An Upstream Purchaser will be paid the percentage of the Upstream Purchasers Settlement Fund that the Upstream Purchaser's established Hydrogen Peroxide purchases bears in relation to the total established Hydrogen Peroxide purchases of all Upstream Purchasers who have filed valid and timely Claim Forms and/or Subsequent Claim Forms.

2 To be an "established" Hydrogen Peroxide purchase, the Settlement Class Member must have provided adequate purchase information and purchase verification for those Hydrogen Peroxide purchases. The purchase information and purchase verification requirements are discussed below in Questions 5G and 5H.

- A Distributor who establishes, to the satisfaction of the Claims Administrator, that it purchased Hydrogen Peroxide between September 14, 1994 and December 31, 2001, shall be entitled to a pro-rata share of the Upstream Purchasers Settlement Fund, with such share to be based upon a value equal to 10% of the Distributor's established Hydrogen Peroxide purchases from the Defendants in that period.
- A Distributor who establishes, to the satisfaction of the Claims Administrator, that it purchased Hydrogen Peroxide between January 1, 2002 and January 5, 2005, shall be entitled to a pro-rata share of the Upstream Purchasers Settlement Fund, with such share to be based upon a value equal to 1% of the Distributor's established Hydrogen Peroxide purchases from the Defendants in that period.
- A Manufacturer who establishes, to the satisfaction of the Claims Administrator, that it purchased Hydrogen Peroxide between September 14, 1994 and December 31, 2001, shall be entitled to a pro-rata share of the Upstream Purchasers Settlement Fund, with such share to be based upon a value equal to 90% of the Manufacturer's established Hydrogen Peroxide purchases from a Distributor in that period. The related Hydrogen Peroxide must have been manufactured by a Defendant.
- A Manufacturer who establishes, to the satisfaction of the Claims Administrator, that it purchased Hydrogen Peroxide between January 1, 2002 and January 5, 2005, shall be entitled to a pro-rata share of the Upstream Purchasers Settlement Fund, with such share to be based upon a value equal to 9% of the Manufacturer's established Hydrogen Peroxide purchases from a Distributor in that period. The related Hydrogen Peroxide must have been manufactured by a Defendant.

A. Why are Direct Purchasers, Distributors and Manufacturers treated differently?

In a price-fixing conspiracy, it is often difficult to determine the extent to which purchasers of the price-fixed product were able to pass along the illegal overcharge to their customers.

In most circumstances, a distributor (a person or entity that simply resells the same product without modifying it in any substantial way) is able to pass along most of the illegal overcharge to its customers. As a result, under the terms of the Distribution Protocol, Distributors are entitled to a smaller share of the Upstream Purchasers Settlement Fund than Direct Purchasers or Manufacturers.

Although Manufacturers did not purchase Hydrogen Peroxide directly from a Defendant, they are still able to claim for direct compensation under the terms of the Distribution Protocol. Manufacturers should claim for any Hydrogen Peroxide that was manufactured by a Defendant, but purchased through a Distributor. Recognizing that the Distributor may have absorbed part of the alleged illegal overcharge before the Hydrogen Peroxide reached the Manufacturer, Manufacturers are entitled to a slightly smaller share of the Upstream Purchasers Settlement Fund than Direct Purchasers.

In order to recognize that Direct Purchasers and Manufacturers may have been able to pass along part of the alleged overcharge to their customers, 6% of the Settlement Fund is being allocated to Downstream Purchasers.

B. Why are Hydrogen Peroxide purchases between January 1, 2002 and January 5, 2005 being compensated at a discounted rate?

A greater proportion of the Upstream Purchasers Settlement Fund is allocated to Upstream Purchasers who purchased Hydrogen Peroxide during the period from September 14, 1994 and December 31, 2001 because the evidence currently available to Class Counsel indicates that the alleged overcharge was higher during this period.

C. What if I participated in the U.S. Litigation?

Related class actions have been commenced in the U.S. Those actions were consolidated and are being heard in the Eastern District of Pennsylvania (the “U.S. Litigation”). Settlements have been achieved in the U.S. Litigation. Those settlements apply with respect to persons who purchased Hydrogen Peroxide in the U.S. or from a facility located in the U.S. directly from a Defendant during the period from September 14, 1994 to January 5, 2005. Settlement Class Members may be eligible for compensation under both the U.S. and Canadian litigation.

The Defendants initially named in the U.S. Litigation were: Akzo Nobel Chemicals International B.V.; Akzo Nobel Inc.; Arkema Inc. (f/k/a Atofina Chemicals, Inc. and Elf Atochem North America, Inc.); Arkema France (f/k/a Atofina S.A. and Elf Atochem S.A.); Evonik Degussa GmbH (f/k/a Degussa A.G.); Evonik Degussa Corporation (f/k/a Degussa Corporation); Eka Chemicals, Inc.; FMC Corporation; Kemira Chemicals, Canada, Inc.; Kemira Oyj; Solvay America, Inc.; Solvay Chemicals, Inc.; and Solvay S.A. The U.S. court has approved settlements with: Akzo Nobel Chemicals International B.V.; Akzo Nobel Inc.; Evonik Degussa GmbH (f/k/a Degussa A.G.); Evonik Degussa Corporation (f/k/a Degussa Corporation); Eka Chemicals, Inc.; Kemira Chemicals, Canada, Inc.; Kemira Oyj; Solvay America, Inc.; Solvay Chemicals, Inc.; and Solvay S.A. The deadline for filing claims under these settlements was December 1, 2008.

Subsequent settlements have been reached with FMC Corporation and Arkema Inc. (f/k/a Atofina Chemicals, Inc. and Elf Atochem North America, Inc.) and Arkema France (f/k/a Atofina S.A. and Elf Atochem S.A.). Those settlements are subject to court approval. The deadline for filing claims under those settlements is August 10, 2009.

More information about the U.S. Litigation can be found online at www.HydrogenPeroxideAntitrustLitigation.com or by calling the U.S. claims administrator toll-free at 1-800-252-5745.

An Upstream Purchaser who has filed a claim in the U.S. Litigation under any of the settlements achieved in that litigation (a “U.S. Claim”), cannot claim under the Canadian Settlement Agreements for the Hydrogen Peroxide purchases which were the subject of the U.S. Claim. This restriction is in place in order to ensure that Upstream Purchasers are not being paid twice for the same Hydrogen Peroxide purchases.

However, the settlements achieved in the U.S. Litigation do not apply with respect to purchases of Sodium Perborate or Sodium Percarbonate. Purchases of Sodium Perborate and Sodium Percarbonate should be included in your Canadian Claim Form. Also, the settlements achieved in the U.S. Litigation only apply with respect to purchases of Hydrogen Peroxide directly from a Defendant. Therefore, Hydrogen Peroxide purchases from a Distributor should be included in your Canadian Claim Form.

Upstream Purchasers must disclose whether they have filed a U.S. Claim and provide details regarding the U.S. Claim. Upstream Purchasers who filed a U.S. Claim must state the amount of their Hydrogen Peroxide purchases that they claimed for in the U.S. Claim, and provide a copy of the U.S. Claim and any and all correspondence with the U.S. claims administrator, including but not limited to: requests for further information, responses to requests for further information, the notice accepting or rejecting the U.S. Claim, and documents relating to payment of the U.S. Claim.

Upstream Purchasers must also provide written authorization for the Claims Administrator to contact the U.S. claims administrator to confirm whether a U.S. Claim was filed, the details of the U.S. Claim, the amount of compensation received or to be received through the U.S. Litigation, and any other information that might be necessary for the purpose of processing and evaluating the Upstream Purchaser's claim. At the same time, Upstream Purchasers provide written authorization for the U.S. claims administrator to share such information.

The above-listed information and authorizations must accompany the Claim Form. Section 5 of the Claim Form deals with U.S. Claims.

If subsequent to filing a claim, an Upstream Purchaser files a U.S. Claim, the Upstream Purchaser must notify the Claims Administrator in writing immediately and provide to the Claims Administrator the information required above.

The failure by an Upstream Purchaser to provide the Claims Administrator with the required information relating to a U.S. Claim will disentitle the Upstream Purchaser from compensation under the Canadian settlement agreements.

D. What if my U.S. Claim was rejected on the basis that the relevant Hydrogen Peroxide was not purchased in the U.S. or from a facility in the U.S.?

If you filed a claim in the U.S. Litigation, you will receive a notice from the U.S. claims administrator accepting or rejecting your U.S. Claim ("U.S. Decision Notice"). If all or part of your U.S. Claim is rejected, the U.S. claims administrator will include in the U.S. Decision Notice an explanation of why all or part of your U.S. Claim was rejected. If all or part of your U.S. Claim was rejected on the basis that the relevant Hydrogen Peroxide was not purchased in the U.S. or from a facility in the U.S., and you would otherwise fit within the Canadian Settlement Class (see Question 3D), you may subsequently file a claim in this litigation for those Hydrogen Peroxide purchases (a "Subsequent Claim"). If you are uncertain about the reasons why all or part of your U.S. Claim was rejected, you can contact the U.S. claims administrator toll-free at 1-800-252-5745.

In order to be eligible for compensation for these Hydrogen Peroxide purchases, you must mail your Subsequent Claim Form to the Claims Administrator postmarked within 30 days of receiving your U.S. Decision Notice. You will be deemed to have received the U.S. Decision Notice within 14 days of the date on your U.S. Decision Notice. You must comply with this deadline even if you are appealing the decision of the U.S. claims administrator in rejecting all or part of your U.S. Claim.

You may file a Subsequent Claim by completing a "Subsequent Claim Form". Your Subsequent Claim can only include your Hydrogen Peroxide purchases that were rejected in the U.S.

Litigation on the basis that the relevant Hydrogen Peroxide was not purchased in the U.S. or from a facility in the U.S. You cannot include any other Hydrogen Peroxide purchases with your Subsequent Claim. You must include with your Subsequent Claim Form a copy of your U.S. Claim and U.S. Decision Notice.

A Subsequent Claim Form is available online at www.hydrogenperoxideclassaction.ca or can be mailed to Upstream Purchasers by the Claims Administrator.

E. What if I entered into a private settlement with a Defendant?

An Upstream Purchaser who has entered into a private settlement with a Defendant(s), cannot claim under the Settlement Agreements for the Hydrogen Peroxide purchases which were the subject of any private settlement. This restriction is in place in order to ensure that Upstream Purchasers are not being paid twice for the same Hydrogen Peroxide purchases.

Upstream Purchasers must provide a signed statement indicating whether they have entered into a private settlement with a Defendant(s) relating to the allegations in this litigation and, if so, the amount of their Hydrogen Peroxide purchases that they settled as part of the private settlement. All Upstream Purchasers must provide written authorization for the Claims Administrator to contact the Defendants to confirm whether a private settlement was reached, the amount of their Hydrogen Peroxide purchases settled as part of the private settlement, and any other information that might be necessary for the purpose of processing and evaluating the Upstream Purchaser's claim. The above-listed information and authorization must accompany the Claim Form. Section 6 of the Claim Form relates to private settlements.

If subsequent to filing a claim, an Upstream Purchaser enters into a private settlement with a Defendant(s), the Upstream Purchaser must notify the Claims Administrator in writing immediately and provide to the Claims Administrator the information required above.

The failure by an Upstream Purchaser to provide the Claims Administrator with the required information relating to compensation received through a private settlement will disentitle the Upstream Purchaser from compensation under the Canadian settlement agreements.

F. What if I purchased Hydrogen Peroxide from a Hydrogen Peroxide manufacturer that is not named as a Defendant?

Settlement Class Members will not be compensated for purchases of Hydrogen Peroxide that was manufactured by a non-Defendant. These Hydrogen Peroxide purchases should not be included on the Claim Form.

5. AS AN UPSTREAM PURCHASER, HOW DO I CLAIM BENEFITS UNDER THE SETTLEMENTS?

A. Who will administer the claims process?

The Claims Administrator is a neutral party, not affiliated with either the Plaintiffs or Defendants. It is the Claims Administrator's responsibility to receive and review Claim Forms and to accept or reject all or part of the claim.

Heffler, Radetich & Saitta LLP ("Heffler") was appointed by the Ontario, British Columbia and Quebec courts as the "Claims Administrator". Heffler was also appointed as claims

administrator in the U.S. Litigation. Heffler will work with RicePoint Class Action Services ("RicePoint"), a Canadian claims administration company. RicePoint will provide administration support in Canada.

B. How do I file a claim?

In order to claim benefits under the settlements, Upstream Purchasers must file a completed Claim Form, along with the required supporting documents, with the Claims Administrator.

Claim Forms are available online at www.hydrogenperoxideclassaction.ca or can be mailed to Upstream Purchasers by the Claims Administrator.

There are instructions on the Claim Form about how to complete it. If Upstream Purchasers have any questions about completing the Claim Form, they can contact the Claims Administrator.

C. When is the deadline for filing a claim?

In order to be eligible for compensation under the settlements, Upstream Purchasers must mail a completed Claim Form, with the required supporting documents, postmarked no later than September 8, 2009 to:

Hydrogen Peroxide Claims Administrator
P.O. Box 39030
London, ON N5Y 5L1

If you do not submit your fully completed Claim Form by the deadline, you will be deemed to have forever forfeited your right to compensation from the Upstream Purchasers Settlement Fund and will be precluded from ever bringing an action against the Defendants in respect of the alleged price-fixing conspiracy unless you have opted-out of the litigation (see Question 7 below for instructions on how to opt-out).

Subsequent Claim Forms must be filed in accordance to the guidelines set out in Question 4D above.

D. How will I know if my claim is received?

The Claims Administrator will confirm the receipt of your Claim Form in writing. If you do not receive confirmation that your Claim Form has been received within 30 days of mailing your Claim Form, please contact the Claims Administrator.

E. What if I received more than one Claim Form?

Upstream Purchasers may receive more than one Claim Form if their billing address was different than their delivery address or if they used more than one billing or delivery address. Whether or not Upstream Purchasers receive more than one Claim Form, they should complete only one Claim Form and list all applicable subsidiaries, trade names and addresses.

F. I received a "Claims Summary". What is this and do I have to provide purchase information for these claims?

If you were identified by Solvay, Degussa, Akzo and/or Kemira as a customer, you will receive with your Claim Form a summary of your Hydrogen Peroxide purchases from these entities (the

“Claims Summary”). The Claims Summary will state your total Hydrogen Peroxide purchases from each of Solvay, Degussa, Akzo, and Kemira between September 14, 1994 and December 31, 2001, and between January 1, 2002 and January 5, 2005.³

If you agree with the Claims Summary, you do not need to provide purchase information for the related Hydrogen Peroxide purchases. For example, if your Claims Summary indicates that between September 14, 1994 and December 31, 2001 you had Hydrogen Peroxide purchases from Degussa in the amount of Cdn \$1,000,000 and you agree that your Hydrogen Peroxide purchases from Degussa during this time were in the amount of Cdn \$1,000,000, you do not need to provide purchase information in relation to these Hydrogen Peroxide purchases. You still need to complete the rest of the Claim Form.

Using the same example as in the above paragraph, if you disagree with the Claims Summary that your Hydrogen Peroxide purchases from Degussa between September 14, 1994 and December 31, 2001 were in the amount of Cdn \$1,000,000, you will have to provide purchase information for all your Hydrogen Peroxide purchases from Degussa during this time period. Again, you still need to complete the rest of the Claim Form.

Hydrogen Peroxide purchases from Arkema and FMC will not be included in the Claim Summary.⁴ You have to provide purchase information for all such Hydrogen Peroxide purchases.

G. The Claim Form says I have to provide "Purchase Information". What does this entail?

Claimants must complete tables summarizing their Hydrogen Peroxide purchases. Claimants must exclude any Hydrogen Peroxide purchases that were included in a claim filed in the U.S. Litigation or that have been released as part of a private settlement with a Defendant(s). The settlements achieved in the U.S. Litigation do not apply with respect to purchases of Sodium Perborate or Sodium Percarbonate. Purchases of Sodium Perborate and Sodium Percarbonate should be included in the Claim Form. Also, the settlements achieved in the U.S. Litigation only apply with respect to purchases of Hydrogen Peroxide directly from a Defendant. Therefore, Hydrogen Peroxide purchases from a Distributor should be included in the Claim Form.

The information required is different depending if the Claimant purchased from a Defendant or a Distributor.

Purchases from a Defendant

To the extent that Claimants agree with the Claims Summaries provided by Solvay, Degussa, Akzo and Kemira, they do not need to provide purchase information for the related Hydrogen Peroxide purchases. If Claimants disagree with the Claims Summaries or purchased Hydrogen Peroxide from FMC and/or Arkema, they must provide the following information:

³ Question 4B explains the different time frames.

⁴ These Defendants are not included in the Claims Summary because they have not entered into settlements with the Plaintiffs and are therefore not obligated to provide this information.

(1) the total annual Hydrogen Peroxide purchases from that Defendant during the Class Period. The amount should be stated in Canadian currency and any rebates, discounts, taxes etc. must be deducted; and

(2) the value of Hydrogen Peroxide purchased from that Defendant that was resold without any further processing or including it in any other product. If you resold all or none of your Hydrogen Peroxide purchases from a Defendant without any further processing or including it in any other product, you may simply indicate "yes" or "no". If you resold some of your Hydrogen Peroxide purchases from a Defendant without any further processing or including it in any other product, you must provide the dollar value for such Hydrogen Peroxide purchases.

Purchases from a Distributor

For each Distributor, the Claimant must provide three pieces of information:

(1) the name of the Distributor;

(2) the total annual Hydrogen Peroxide purchases from that Distributor during the Class Period. The amount should be stated in Canadian currency and any rebates, discounts, taxes etc. must be deducted; and

(3) the Defendant who manufactured the Hydrogen Peroxide (if known). If in any given year, the Hydrogen Peroxide purchased from a Distributor was manufactured by multiple Defendants, please provide the dollar value of the Hydrogen Peroxide purchases that were manufactured by each Defendant. For example, if in 1995 the Claimant purchased Cdn \$1,000,000 worth of Hydrogen Peroxide from Distributor A and 50% of that Hydrogen Peroxide was manufactured by Akzo and 50% manufactured by Arkema, the table should be completed as follows:

Year	Purchase Information	Distributor Name: <u>Distributor A</u>
1995	Hydrogen Peroxide Purchases	\$1,000,000
	Defendant who manufactured the Hydrogen Peroxide	Akzo - \$500,000 Arkema - \$500,000

H. The Claim Form says that if I need to provide "Purchase Verification". What does this entail?

Claimants must list and identify below those records (i.e., invoices, delivery slips, purchase journals, accounts payable journals, etc.) used to determine the amount of their Hydrogen Peroxide purchases. If the amount is based on estimates, the Claimant must list and identify below those records (i.e., invoices, delivery slips, purchase journals, accounts payable journals, etc.) used to estimate the amount of the Hydrogen Peroxide purchases.

Claimants do not have to provide the actual records at this time. However, claims are subject to audit by the Claims Administrator. As part of the audit, Claimants may be required, at a later time, to produce all or some of the records used to determine their Hydrogen Peroxide purchases. Therefore, Claimants should retain all records relating to the claim until the conclusion of the litigation.

I. What if I missed completing something on my Claim Form?

If, during claims processing, the Claims Administrator finds that technical deficiencies exist in a Claimant's Claim Form or other required information, the Claims Administrator shall notify the Claimant of the deficiencies via regular mail and shall allow the Claimant thirty (30) days from the date of mailing of such notice to correct the deficiencies. If the deficiencies are not corrected within the thirty (30) day period, the Claims Administrator shall reject the claim without prejudice to the right of the Claimant to resubmit the claim, provided the Claimant is able to meet the Claims Filing Deadline and other requirements set forth in the Claim Form.

Technical deficiencies shall not include missing the Claims Filing Deadline.

J. How will I find out whether my claim has been accepted?

The Claims Administrator shall notify via regular mail all Claimants as to the approval or rejection of their claims and the determination of the amount of the Claimant's Hydrogen Peroxide purchases during the Class Period (the "Decision Notice"). Where the Claims Administrator has rejected all or part of the claim, the Claims Administrator shall include in the Decision Notice its grounds for rejecting all or part of the claim.

K. What if I want to appeal the Claims Administrator's decision?

Claimants shall be granted thirty (30) days from the date of the Decision Notice to appeal the rejection (in whole or in part) of their claims. Claimants' whose claims have been rejected will be provided an Appeal Form with their Decision Notice. Claimants who wish to file an appeal must do so by completing an Appeal Form and returning it to the Claims Administrator. Such appeals will be on the basis of written submissions, supported only by the documentation provided to the Claims Administrator by the Claims Filing Deadline.

Appeals will be determined by a court-appointed referee. Appeals from the referee's decisions will be dealt with under the rules of the relevant court. The judgment of the respective court in relation to any appeal from the referee's decision is final and binding and shall not be subject to any further appeal or review whatsoever.

The refusal of the Claims Administrator to accept a Claim Form postmarked after the Claims Filing Deadline is not grounds for appeal.

L. When can I expect to receive compensation?

Claimants will receive compensation after the claims evaluations and any appeals therefrom are completed. This process will take several months to complete. After this process is complete, the Claims Administrator will report to the Ontario, British Columbia and Quebec courts the name, address and proposed amount of the distribution for each Claimant entitled to receive a distribution, and seek an order authorizing a distribution of the Upstream Purchasers Settlement

Fund. As soon as practical thereafter, Claimants, whose claims have been accepted, will be mailed a cheque.

M. How are payments determined?

The Claims Administrator will determine whether a claim is reasonable, valid and payable based on the information provided in the Claim Form and the Subsequent Claim Form (if applicable) and the accompanying documentation.

The amount of compensation received by a Claimant shall be determined in accordance with the Distribution Protocol (see Question 4 above).

N. What if there are monies remaining in the Upstream Purchasers Settlement Fund after payments are made to the Upstream Purchasers?

If, after all approved payments are made to the Claimants, there remains monies in the Upstream Purchasers Settlement Fund by virtue of interest earned on the Upstream Purchasers Settlement Fund, the failure of successful Claimants to cash the cheques received as compensation for their claims, or otherwise, the monies remaining in the Upstream Purchasers Settlement Fund shall be distributed to the Canadian Forestry Association. Canadian Forestry Association is a not for profit organization that advocates the protection and wise use of Canada's forest, water and wildlife resources through public awareness and education programs. Canadian Forestry Association has been selected as an appropriate recipient of the surplus on the basis that it operates for the general benefit of Upstream Purchasers.

6. AS A DOWNSTREAM PURCHASER, WHAT COMPENSATION AM I ENTITLED TO?

Downstream Purchasers will not be paid any direct compensation. They will be compensated through a *cy pres* distribution⁵. Downstream Purchasers do not need to file a Claim Form.

6% of the Settlement Fund (Cdn \$1,229,400), plus accrued interest less (a) proportionate Class Counsel Fees, disbursements and taxes, (b) proportionate costs of notice, and (c) obligations by Quebec Settlement Class Members to the Fonds d'Aide⁶ (the "Downstream Purchasers Settlement Fund"), shall be allocated to Downstream Purchasers and will be distributed in equal amounts to the following not-for-profit organizations:

- Sentinel Bioactive Paper Network, which shall use the funds primarily to fund research and development for bioactive paper that can, inter alia, alert the user about unsafe water or contaminated food preparation surfaces;
- Canadian Association of Food Banks, which shall use the funds primarily to purchase paper-based and pulp-based products, such as toilet paper, tissues, and diapers, to be distributed to food banks across Canada; and

⁵ A *cy pres* distribution is a distribution that is made to non-for-profit organizations that operate for the general benefit of class members.

⁶ The Fonds d'Aide aux recours collectifs is an agency created pursuant to class proceedings legislation in the Province of Quebec. Pursuant to Quebec law, the Fonds d'Aide is entitled to payment from every successful class proceeding.

- Invest in Kids, which shall use the funds primarily to defray the costs of printing/purchasing reading materials for children and printed resources for parents and other persons who work with young children.

A. Why am I not receiving direct compensation?

Because of the difficulty of accurately identifying the amount of the alleged overcharge actually borne by any given Downstream Purchaser, compensation for Downstream Purchasers will be paid out through a distribution to organizations that operate for the general benefit of Downstream Purchasers.

B. How were the not-for-profit organizations selected?

Sentinel Bioactive Paper Network was selected as a *cy pres* recipient because of its involvement in the research and development of bioactive paper. In September 2005, 24 top Canadian professors and their students at ten universities across Canada, in partnership with the Canadian government, the Ontario government and nine corporate partners formed the Sentinel Bioactive Paper Network. Sentinel Bioactive Paper Network is seeking to generate new knowledge empowering its worldwide industrial partners to develop innovative, high value-added paper and packaging products. These products will incorporate biologically active chemicals for a range of applications, including testing drinking water and food preparation surfaces for contamination.

Canadian Association of Food Banks was selected as a *cy pres* recipient because it is a national charitable organization representing food banks across Canada. Canadian Association of Food Banks has agreed that any *cy pres* settlement funds received by it will be used for the primary purpose of purchasing paper-based and pulp-based products, such as toilet paper and diapers, for distribution to its food bank members across Canada. The pulp and paper industry is a major consumer of Hydrogen Peroxide.

Invest in Kids was selected as a *cy pres* recipient because it is a national charitable organization aimed at strengthening the parenting knowledge, skills and confidence of all those who touch the lives of children from birth to age five. Invest in Kids has agreed that any *cy pres* settlement funds received by it will be used for the primary purpose of defraying the costs of printing/purchasing reading materials for children and printed resources for parents and other persons who work with young children.

The Ontario, British Columbia and Quebec courts have approved these entities as *cy pres* recipients.

7. WHAT IF I DO NOT WANT TO BE PART OF THE SETTLEMENTS?

If you would like to exclude yourself from the litigation, you can opt-out by submitting an Opt-Out Form to the Claims Administrator. The Opt-Out Form is available online at www.hydrogenperoxideclassaction.ca or from the Claims Administrator. In the Opt-Out Form, you must provide the following information:

- your full name, current address, and telephone number;
- your reasons for opting out;

- the name(s) of each entity from whom you purchased Hydrogen Peroxide during the Class Period and, if not the same, the name(s) of the entities who manufactured the Hydrogen Peroxide;
- for each such entity, the information in your possession concerning the Canadian dollar value⁷ of your Hydrogen Peroxide purchases during the period from July 1, 1998 to December 1, 2001 and during the period from September 14, 1994 to January 5, 2005; and
- for each such entity, a statement indicating whether you resold the Hydrogen Peroxide purchased from that entity without further processing or including it in any other product.

The Opt-Out Form must be mailed by August 7, 2009 to:

HYDROGEN PEROXIDE LITIGATION CLAIMS ADMINISTRATOR
c/o P.O. Box 39030
London, ON N5Y 5L1

If a Settlement Class Member does not timely and properly file an Opt-Out Form or does not timely and properly file a Claim Form with the Claims Administrator, he or she will be forever barred from receiving any benefits under the settlements, from participating in the litigation and from instituting or continuing any action against the Defendants and/or Released Parties related to the alleged price-fixing of Hydrogen Peroxide.

8. WHERE CAN I GET ADDITIONAL INFORMATION ABOUT THE SETTLEMENTS AND THE CLAIMS PROCESS?

More information about the settlements and the claims process can be found online at www.hydrogenperoxideclassaction.ca.

If you have questions regarding the settlements or the claims process, the Claims Administrator can be contacted by calling toll-free 1-888-665-1125 or by email at claims@hydrogenperoxideclassaction.ca. French speaking representatives are available.

More information can also be obtained by contacting class counsel:

The law firms of Siskinds^{LLP} and Sutts, Strosberg^{LLP} represent the Ontario Settlement Class. Siskinds^{LLP} can be reached toll free at 1-800-461-6166 ext. 2455 or by mail at 680 Waterloo Street, London, Ontario N6A 3V8 Attention: Charles Wright. Sutts, Strosberg^{LLP} can be reached toll free at 1-800-229-5323 ext. 8296 or by mail at 600-251 Goyeau Street, Windsor, ON N9A 6V4 Attention: Harvey Strosberg, Q.C.

The law firm of Camp Fiorante Matthews represents the British Columbia Settlement Class. British Columbia Class Counsel can be reached at 604-689-7555 or by mail at 4th Floor, Randall Building, 555 West Georgia Street, Vancouver, BC V6B 1Z6 Attention: J.J. Camp, Q.C.

⁷ The dollar value is the sales prices paid for Hydrogen Peroxide, less any rebates, delivery or shipping charges, taxes, or any other form of discount.

The law firm of Siskinds Desmeules s.e.n.c.r.l. represents the Quebec Settlement Class. Quebec Class Counsel can be reached at 418-694-2009 or by mail at Les promenades du Vieux-Quebec, 43 rue De Buade, bureau 320, Quebec City, QC G1R 4A2, Attention: Me Simon Hébert.

9. WHAT IF I AM APPROACHED BY AN AGENCY OFFERING TO FILE A CLAIM ON MY BEHALF?

Settlement Class Members may be approached by private agencies who offer to file a claim on the Settlement Class Member's behalf. Such agencies will want to be compensated in return for their services. Settlement Class Members do not need the assistance of a private agency in filing a claim. The Claims Administrator and Class Counsel can answer any questions Settlement Class Members have in filing a claim at no cost.