

NOTICE OF CERTIFICATION AND SETTLEMENT APPROVAL IN THE MATTER OF HYDROGEN PEROXIDE CLASS ACTION LITIGATION

THIS NOTICE MAY AFFECT YOUR RIGHTS PLEASE READ CAREFULLY

TO: All persons in Canada who purchased Hydrogen Peroxide or Hydrogen Peroxide Products between September 14, 1994 and January 5, 2005, except the Defendants, or directors, officers, employees, subsidiaries or affiliates of each Defendant, and the entities in which each Defendant or any of their subsidiaries or affiliates have a controlling interest.

Hydrogen Peroxide means 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. The term "Hydrogen Peroxide" refers to Hydrogen Peroxide, Sodium Perborate and Sodium Percarbonate. 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 Products" refers to Hydrogen Peroxide, products that contain Hydrogen Peroxide and products the production of which involved the use of Hydrogen Peroxide.

Any terms that are capitalized but not defined herein have the meanings attributed to them in the Settlement Agreements.

I. THE PURPOSE OF THIS NOTICE

Class action lawsuits have been initiated in Ontario (Court File No. 47025), British Columbia (Court File No. L051279 Vancouver Registry) and Quebec (File No. 200-06-000056-054) alleging that the Defendants conspired to fix prices for Hydrogen Peroxide in Canada (collectively the "Proceedings").

Separate settlements have been reached with Solvay Chemicals Inc. and Solvay S.A. (collectively "Solvay"), with Evonik Degussa Corporation formerly Degussa Corporation, Evonik Degussa formerly Degussa A.G. and Evonik Degussa Canada Inc. formerly Degussa Canada Inc. (collectively "Degussa"), with Eka Chemicals, Inc., Eka Chemicals Canada Inc. and AkzoNobel Chemicals International B.V. (collectively "Akzo"), and with Kemira OYJ and Kemira Chemicals Canada Inc. (collectively "Kemira").

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 Proceedings. Solvay, Degussa, Akzo, and Kemira have each agreed to provide cooperation to the Plaintiffs in pursuing the Proceedings 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. The

litigation is continuing against all other Defendants.

This notice is to advise you of the settlements and to inform you of your rights as a class member under the settlements. You will be bound by the terms of the settlements unless you exclude yourself by opting out of the settlements. Opting out is explained below.

The Proceedings were certified for settlement purposes only. The Solvay, Degussa and Akzo Settlement Agreements were approved by the Ontario Court on September 25, 2008. The Kemira Settlement Agreement was approved by the Ontario court on December 5, 2008. The Solvay, Degussa, Akzo and Kemira Settlement Agreements were approved by the Quebec Court on February 20, 2009. 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.

II. DISTRIBUTION PROTOCOL

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 Direct Purchasers, Distributors and Manufacturers who satisfy the eligibility requirements. Compensation will be calculated by the Claims Administrator in the following manner:

- (a) A Direct Purchaser means a person or entity in Canada, other than a Distributor, who purchased Hydrogen Peroxide directly from a Defendant.

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 share of the Upstream Purchasers Settlement Fund, with such share to be based upon a value equal to 100% of the Direct Purchaser's established purchases of Hydrogen Peroxide during the Class Period ("Hydrogen Peroxide Purchases") 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.

- (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.

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.

- (c) A Manufacturer means a person or entity in Canada, who purchased Hydrogen Peroxide directly from a Distributor, and manufactured products that contain Hydrogen Peroxide and/or products the production of which involved the use of Hydrogen Peroxide.

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 the Defendants in that period.

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 the Defendants in that period.

A Direct Purchaser, Distributor or Manufacturer who has settled directly with a Defendant or who has successfully filed a claim in similar litigation that is pending in the U.S., cannot claim under the Settlement Agreements for the Hydrogen Peroxide purchases which were the subject of any settlement or claim.

The remaining 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'Aide (the "Downstream Purchasers Settlement Fund"), shall be allocated to downstream purchasers (i.e., Settlement Class Members who purchased products that contain Hydrogen Peroxide and/or products the production of which involved the use of Hydrogen Peroxide) and will be distributed in equal amounts to the following not-for-profit organizations:

- (a) 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;
- (b) 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

- (c) 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.

The Distribution Protocol is outlined in further detail in the Administration of the Settlement Agreements, which is available online at www.hydrogenperoxideclassaction.ca.

All Claim Forms and other required information must be postmarked no later than **September 8, 2009** for you to be eligible for compensation from the Upstream Purchasers Settlement Fund. All signed Claims Summaries, Claim Forms and other required information must be mailed to:

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

III. OPTING OUT OF THE PROCEEDINGS

If you would like to exclude yourself from the Proceedings, you can opt out by submitting a written request to be excluded to the Claims Administrator. Your request should include the following information:

- (a) your full name, current address, and telephone number;
- (b) the name(s) of each entity from whom the person purchased Hydrogen Peroxide during the Class Period;
- (c) for each such entity, the information in your possession concerning the dollar value and volume of your Hydrogen Peroxide purchases during the period from July 1, 1998 to December 1, 2001 and during the Class Period; and
- (d) 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 request for exclusion 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 Class Member does not timely and properly opt out of the settlements 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, and from instituting or continuing any action against the Defendants and/or Released Parties related to the price-fixing of Hydrogen Peroxide.

IV. CLASS COUNSEL

The law firms of Siskinds ^{LLP} and Sutts, Strosberg ^{LLP} represent 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 (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.

The law firm of Camp Fiorante Matthews represents Settlement Class Members in British Columbia (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.

The law firm of Siskind Desmeules s.e.n.c.r.l. represents individuals and corporations of 50 or less employees who are Settlement Class Members in Quebec (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.

Class Counsel legal fees and disbursements must be approved by the Courts. Class Counsel will collectively be requesting legal fees plus disbursements and applicable taxes be approved by the Courts and paid out of the Settlement Funds. The legal fees requested will not exceed 25% of the Settlement Funds.

V. QUESTIONS ABOUT THE SETTLEMENTS

This notice contains only a summary of the Settlement Agreements and Settlement Class Members are encouraged to review the complete Settlement Agreements and distribution protocol (contained in the Administration of the Settlement Agreements). Copies of the Settlement Agreements and distribution protocol can be obtained free of charge at www.hydrogenperoxideclassaction.ca. Copies of the Settlement Agreements and distribution protocol can also be mailed to you at a cost of \$10, which represents the cost of photocopying and mailing. If you would like copies of the Settlement Agreements or the distribution protocol, or have questions that are not answered online at www.hydrogenperoxideclassaction.ca, please contact the Claims Administrator toll-free at 888-665-1125 or by email at claims@hydrogenperoxideclassaction.ca. INQUIRIES SHOULD NOT BE DIRECTED TO THE COURT.

VI. INTERPRETATION

This notice contains a summary of some of the terms of the Settlement Agreements. If there is a conflict between the provisions of this notice and the Settlement Agreements, including the appendices of the Settlement Agreements, the terms of the Settlement Agreements shall prevail.

**THIS NOTICE HAS BEEN AUTHORIZED BY THE ONTARIO SUPERIOR
COURT OF JUSTICE, THE BRITISH COLUMBIA SUPREME COURT, AND THE
SUPERIOR COURT OF QUEBEC**