April 8, 2009

To Whom It May Concern:

NetApp manufactures a wide range of products; a large number of subassemblies and components are purchased from other manufacturers. NetApp goes to great lengths to make sure all our products meet applicable legal requirements when a product is supplied to the customer, and we continually monitor changes in those requirements. We have surveyed our products, and to the best of our knowledge, NetApp is in compliance with all applicable national and international laws and regulations, including those that may restrict the materials content of certain products. NetApp assumes no liability for changing regulatory requirements after a product has been supplied to the customer.

NetApp also has a comprehensive management program in place to ensure our products conform to the European Union's Restriction of Hazardous Substances (RoHS). NetApp's RoHS compliance approach includes the following elements and requirements:
1. For products designated by NetApp to be RoHS compliant, NetApp specifies and designs the product to use materials and parts that conform to the RoHS directive. NetApp manages the information associated with the supplier materials/parts within a database. Hardware that is RoHS compliant includes in the part number either an "R5" or "R6" designator. RoHS compliant parts provide the same form and fit as the non-RoHS versions which are no longer available for sale. RoHS part numbers are an indication that the products meet the required standards. The "R5" designation denotes product compliance by means of exemption 7b (lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signalling, transmission as well as network management for telecommunications) and the "R6" designation indicates compliance without exemption 7b (lead in solders for servers, storage and storage array systems, network infrastructure equipment for switching, signalling, transmission as well as network management for telecommunications).
2. All NetApp suppliers of RoHS compliant products must provide NetApp a declaration that the particular products supplied meet the RoHS directive.
3. NetApp follows a detailed product qualification process for all products, which includes materials and specification reviews and audits of manufacturing lines.

NetApp's approach to demonstrate RoHS compliance is consistent with the approach put forward by Industry to the European Union Technical Advisory

Committee (EU TAC) http://eur-lex.europa.eu/pri/en/oj/dat/2003/l_037/l_03720030213en00190023.pdf and is also consistent with guidance provided by the United Kingdom Department of Trade and Industry (now called the Department for Business, Enterprise and Regulatory Reform - BERR) in their guidance notes on implementing RoHS. The guidance from the UK DTI (UK BERR) may be found at: http://www.berr.gov.uk/sectors/sustainability/rohs/page29048.html

NetApp defines RoHS compliance with the EU RoHS directive as lead and other restricted materials are either (1) below all applicable substance thresholds as proposed by the EU or (2) an approved/applicable exemption applies. Our products will comply with the directive in force at the time shipped.

Position on Homogeneous Material Reporting
NetApp does not require having our outsourced manufacturers and suppliers provide analytical test data at the homogeneous material level. This would create an unnecessary and costly burden on the supply chain and also create a burden to collect and maintain that data. There are no requirements to report such data to demonstrate compliance to RoHS. In contrast, the NetApp RoHS compliance system outlined above ensures all environmental requirements are met by suppliers and the appropriate RoHS information is communicated to NetApp with internal checks and balances to ensure compliance. This approach also eliminates the need for burdensome data management requirements and allows NetApp to declare applicable products compliant based on an effective management system.

If you have any questions concerning this letter, please contact your NetApp Sales Representative.

Sincerely,

Donald Goddard

Donald Goddard
Environmental Compliance Manager