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# Guidance document for responding to: Notice with respect to certain substances under the Chemicals Management Plan – 2023

**Environment and Climate Change Canada**
**Health Canada**

**June 2023**

Canada

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# 1. General information

## 1.1 Introduction

On June 24, 2023, the *Notice with respect to certain substances under the Chemicals Management Plan – 2023* (the notice) was published in the *Canada Gazette*, Part I, pursuant to paragraph 71(1)(b) of the *Canadian Environmental Protection Act, 1999* (the Act). The notice has a deadline of January 17, 2024, and applies to 850 substances.

The purpose of the notice is to gather information from Canadian manufacturers, importers, and users on the commercial status, facility information (e.g., releases), and uses of substances identified by the Government of Canada as priorities under the Chemicals Management Plan.

The information collected will be used to inform Environment and Climate Change Canada (ECCC) and Health Canada in:

- prioritization decisions;
- risk assessment actions; and
- risk management measures, if needed.

For more information on the management of chemical substances, please visit the Government of Canada's Chemicals Management Plan webpage. For information on data gathering initiatives, including links to the notice, Excel Reporting File (ERF) and substance list, visit the Information gathering initiatives webpage.

This document provides guidance for responding to the notice. In the case of a discrepancy between this document and the notice or the Act, the official versions of the notice and the Act take precedence.

Throughout this document, "you" is defined as the person identified in Section 2 of the notice.

## 1.2 Reporting year

The notice applies to the reporting year specified in the notice. If you meet the reporting requirements for the reporting year, then you must respond to the notice with a section 71 submission.

If you do not meet the reporting requirements for the reporting year, you are not required to respond to the notice. However, if you have information that the government may find useful, such as if you had activity with a reportable substance during a different year, or if you had activity with a reportable substance but do not meet the reporting thresholds, the information may be still of interest to the Government, and you are encouraged to provide a Declaration of Stakeholder Interest (SHI) (Section 15).

## 1.3 Three options for responding to the notice

Once you have determined whether you meet the reporting criteria, there are three ways to respond to the notice:

1. If you meet the reporting requirements for one or more reportable substances, you must respond to the notice by entering the required data in the ERF and submitting it by the reporting deadline, as listed in the notice. Section 14 of this document has more information about providing a section 71 submission.

2. If you do not meet the reporting requirements but you have activity with one or more of the reportable substances or you have information that the government may find useful, we encourage you to submit an SHI. Section 15 of this document has more information about SHI submissions.
3. If you do not meet the reporting requirements or you have no activity with any of the reportable substances, we encourage you provide a Declaration of Non-Engagement (DNE). Section 16 of this document has more information about DNE submissions.

To determine if you are required to respond to the notice, refer to the flowcharts in Section 2 of this document and the information on the reporting requirements set out in Section 3 of this document.

## 1.4 Reasonably accessible information

If you are subject to the notice, you are required to provide information that you possess or to which you may be reasonably expected to have access.

For example:

- Manufacturers are reasonably expected to have access to their formulations.
- Importers are reasonably expected to have access to import records and relevant Safety Data Sheets (SDS).
- Users and importers are reasonably expected to contact their suppliers to obtain information on their substances.

Although an SDS is an important source of information on the composition of a good, it should be noted that the goal of the SDS is to protect the health of workers in the workplace from specific hazards of chemical products. Therefore, an SDS may not list all ingredients in the good, which could include substances that are subject to the notice. If you need more information on composition of a good, you are encouraged to contact your supplier. A **Government of Canada letter** for communicating with your foreign suppliers is available for download on the Request for information from foreign suppliers web page. The letter may help you obtain information from your suppliers in order to complete your response to the notice.

Your supply chain, including suppliers, customers and sector association, may be able to provide information of which you may not be aware. For example, your suppliers may be able to provide you with the composition of your imported goods and your customers may be able to provide you with information on substances in final goods available for sale to end users.

You are encouraged to make reasonable efforts to obtain information through your supply chain. Working and communicating with your supply chain to obtain the requested information and meet the reporting obligations will help the Government of Canada ensure all activities related to substances in this notice are considered before taking any further action.

**Tip:** It is recommended that you inform your suppliers and customers of this notice as soon as possible since they may be required to report, or you may require information from them to allow you to meet the reporting requirements by the deadline.

Suppliers, such as chemical distributors, who wish to protect their data are encouraged to submit the information directly to the Government of Canada as a blind submission. Section 13 of this document has more information about providing a blind submission.

Additional sources of information that may be useful in locating required information include industry trade journals, patents, books or encyclopaedias (CRC Press, Ullmann's Encyclopedia of Industrial Chemistry, Technical Data Sheets, etc.).

**Tip:** You are not required to conduct tests to comply with the notice.

### 1.4.1 Information that is not reasonably accessible

It is encouraged that every reasonable effort be made to access the information requested in this notice. The following data elements requested in this notice may be considered not reasonably accessible (NRA) if your company is not in the possession of these AND reasonable efforts to obtain information did not yield the necessary information.

Examples from section 9 of the notice:

- quantity and concentration of the substance
- whether the goods intended for final use, and in which the substance is contained, were intended for commercial use
- whether the goods intended for final use, and in which the substance is contained, were intended for consumer use
- whether the goods intended for final use, and in which the substance is contained, were intended for use by or for children 14 years of age or younger

However, please note that the above information is necessary to help the Government of Canada ensure that all activities representative of the Canadian context are considered (e.g., commercial activities, quantities of substance use, etc.) before taking any further action. The absence of information may result in the use of conservative assumptions in risk assessments and risk management decision making.

## 1.5 Reporting deadline

Mandatory responses to the notice must be provided no later than January 17, 2024, and must be completed using the online reporting system available through Environment and Climate Change Canada's Single Window (see Section 14 and 17).

# 2. Overview of the notice

Below are a series of flowcharts designed to help you determine if you meet the reporting requirement of the notice. Your answers to the questions in Figures 1-6 below will provide an indication of whether you are required to respond to the notice. Subsection 3.5 of this document has information on calculating the total quantity of a substance in a mixture, product or manufactured item and includes examples that meet or do not meet the reporting criteria of the notice.

The sections that follow provide additional details on the reporting criteria that you must consider when determining whether you are required to respond to the notice.

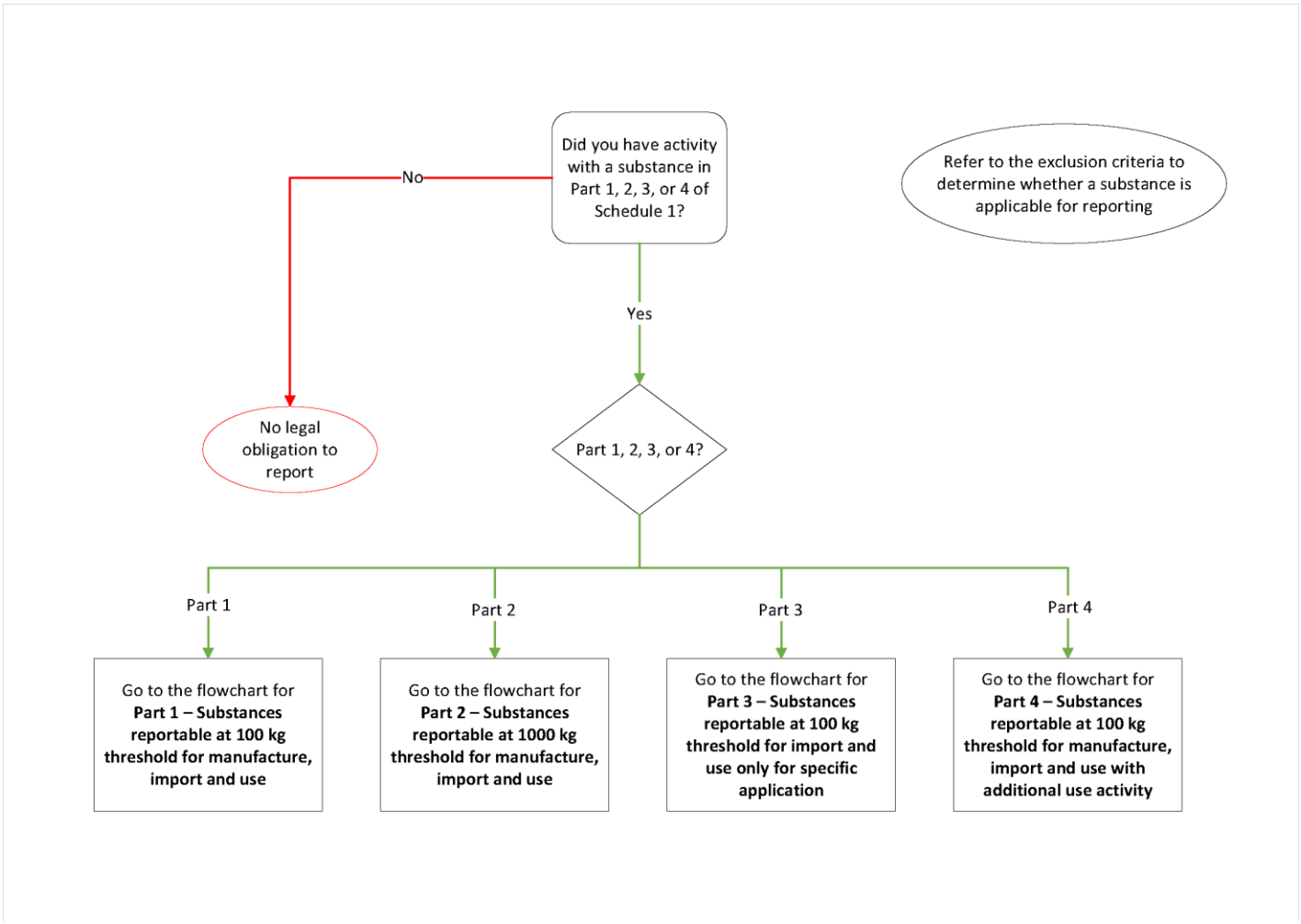



**Figure 1. Identification of Parts of the substance list**

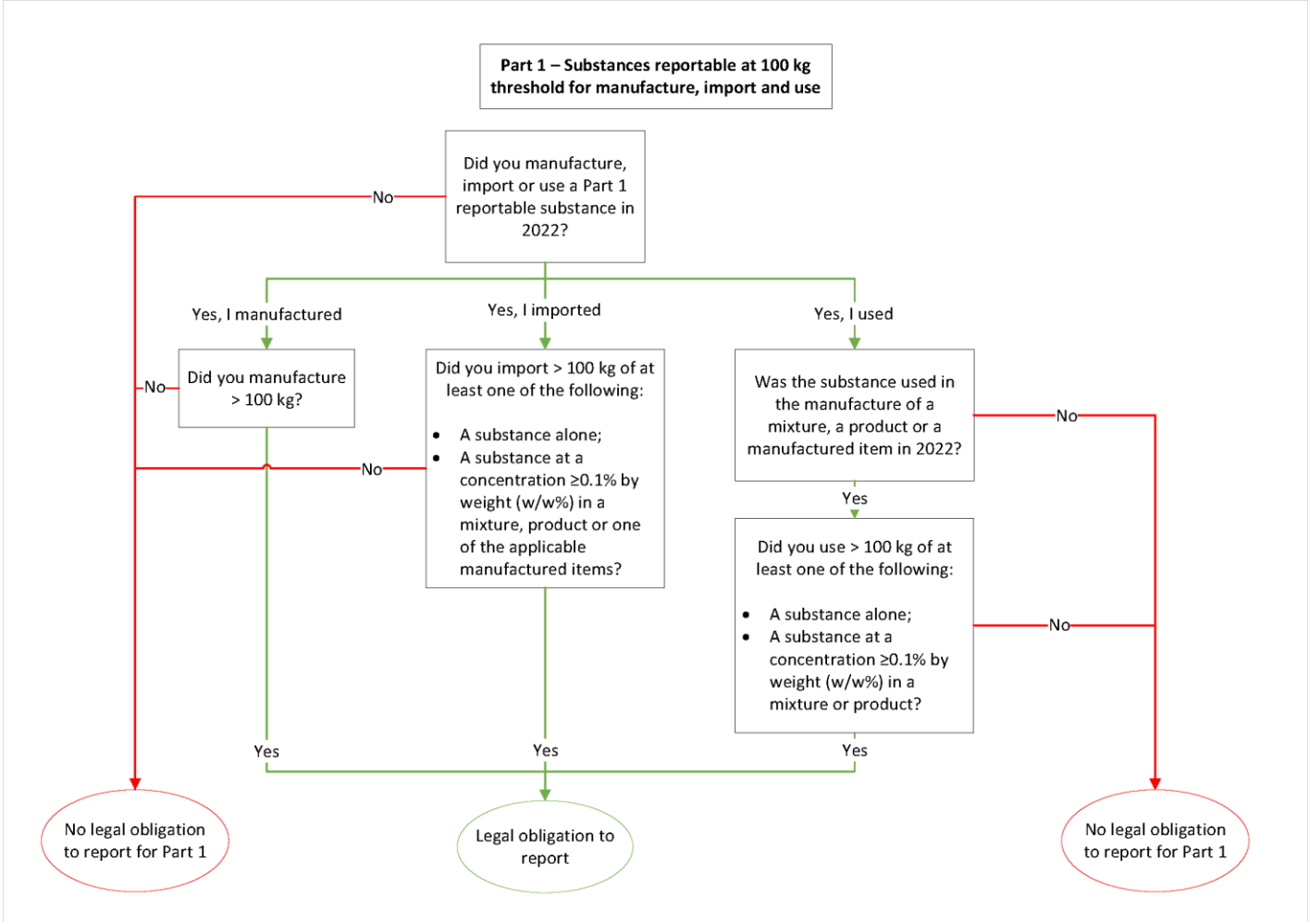



**Figure 2. Overview of reporting requirements for Part 1 substances**

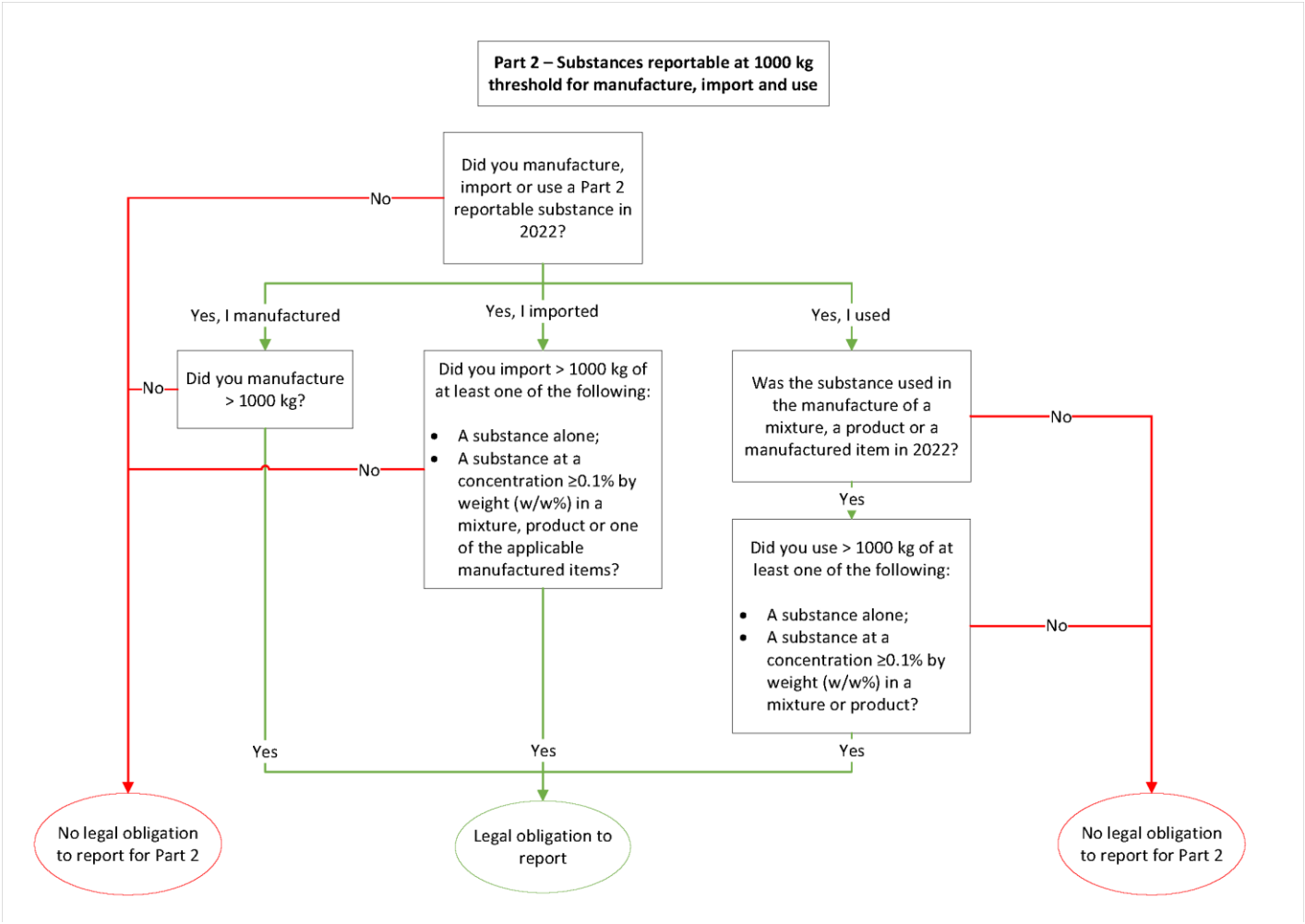



**Figure 3. Overview of reporting requirements for Part 2 substances**

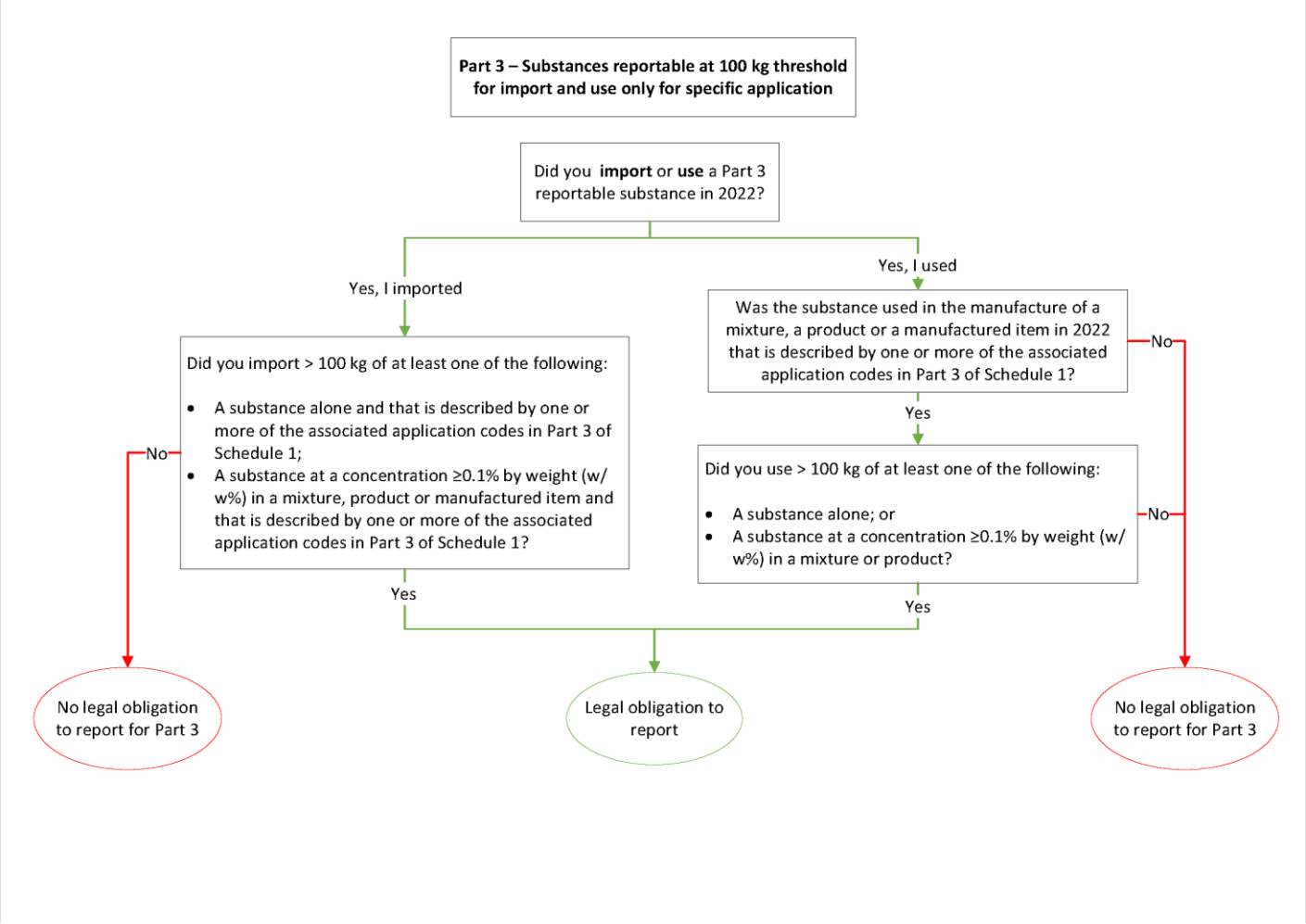



**Figure 4. Overview of reporting requirements for Part 3 substances**

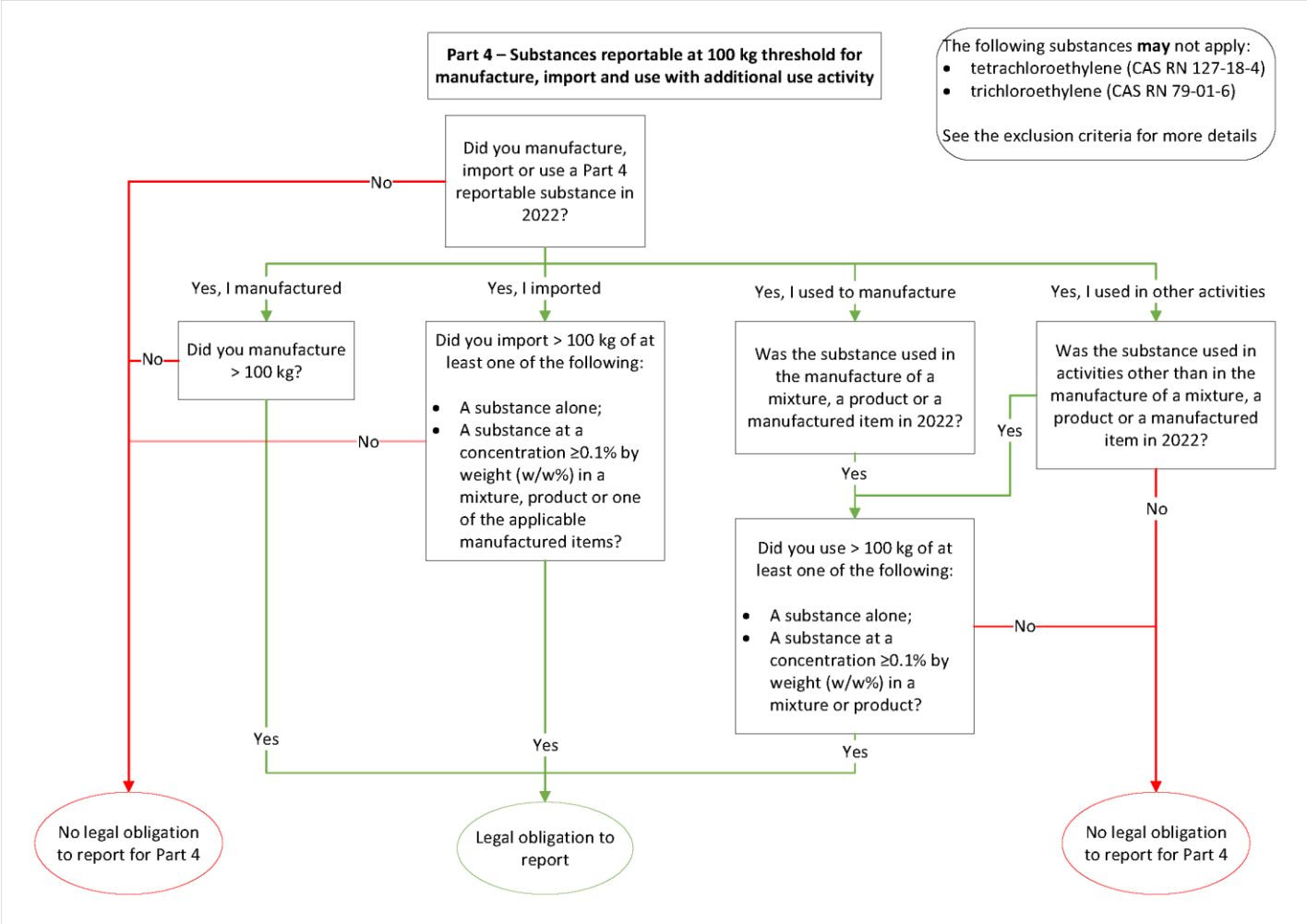
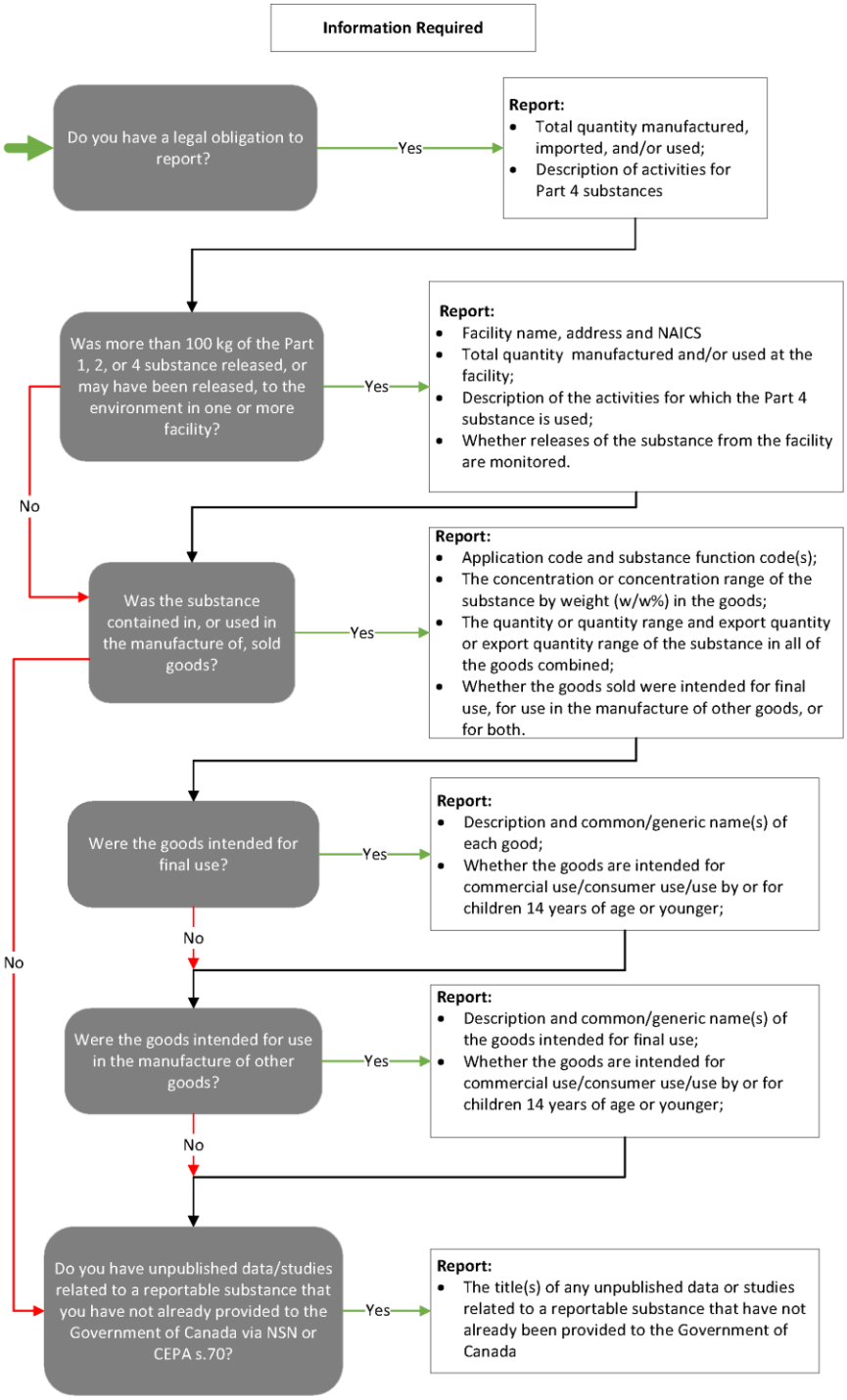



**Figure 5. Overview of reporting requirements for Part 4 substances**




*This flowchart provides an overview of the notice requirements; full details can be found in the notice. In case of discrepancy between this figure and the notice, the official version of the notice takes precedence.

**Figure 6. Overview of information required**

### 2.1 Schedule 1 of the notice - Reportable substances

The **“reportable substances”** under this notice are the substances listed in Schedule 1 of the notice and divided into four parts. Reporting thresholds and information requirements vary for the different parts of Schedule 1.

A list of the reportable substances is also available under the “Substances and Code Lists” tab of the ERF (available on the Information gathering initiatives page).

**Note**: **Schedule 1 of the notice** is not the same as **Schedule 1 of the Act**. Schedule 1 of the Act refers to the list of toxic substances, a list of substances that meet at least one of the criteria set out in section 64 of the Act, and that were added to Schedule 1 of the Act by the Governor in Council. Schedule 1 of the notice refers to the reportable substances identified under Schedule 1 of the *Notice with respect to certain substances under the Chemicals Management Plan – 2023,* and may or may not contain a substance listed under Schedule 1 of the Act.

## 3. Persons required to provide information

The notice applies to any person who, during the reporting year, met any of the criteria set out in Subsection 2(2) of the notice.

## Table 1. Reporting requirements for responding to the notice

| Reportable Activities and Parts of Schedule 1 | Quantity threshold for substance | Concentration threshold for substance in a mixture, product or manufactured item (w/w%) |
|---|---|---|
| **Manufacture*** | | |
| **Part 1 and 4** | >100 kg | – |
| **Part 2** | >1000 kg | – |
| **Import** | | |
| **Part 1, 3 and 4** | >100 kg | ≥0.1% |
| **Part 2** | >1000 kg | ≥0.1% |
| **Use in the manufacture of a mixture, product or manufactured item (good)**** | | |
| **Parts 1, 3 and 4** | >100 kg | ≥0.1%*** |
| **Part 2** | >1000 kg | ≥0.1%*** |
| **Use in activities other than the manufacture of a mixture, product or manufactured item (Use in other activities)**** | | |
| **Part 4** | >100 kg | ≥0.1%*** |

* Includes incidental production of a substance.
**Does not apply to the use of a manufactured item.
***The concentration threshold is applicable to the good that is used, not to the good that is produced.

**Tip:** You must consider each activity (manufacture, import, used in the manufacture of, or used in other activities) with each substance separately. Examples are provided in Section 3 of this document.

## 3.1 Substance, mixture, manufactured item, or product

Substance alone means any substance listed in Schedule 1 of the notice that is not intentionally combined with any other substance.

A "**mixture"** is a combination of substances that does not produce a substance that is different from the substances that were combined, including, but not limited to, a prepared formulation, hydrate, and reaction mixture that are characterized in terms of their constituents, and homogenous and heterogeneous alloys.
A "**manufactured item"** is an item that is formed into a specific physical shape or design during manufacture and has, for its final use, a function or functions dependent in whole or in part on its shape or design.

For the import activity, nine categories of imported manufactured items are reportable for substances listed on Parts 1, 2 and 4 of Schedule 1 under this notice (see Table 2). These categories are considered important sources of exposure to the general population from substances in manufactured items. Substances imported in other manufactured items are not reportable under this notice.

For use in the manufacture of a good and use in other activities, all manufactured items are reportable for substances listed on Parts 1, 2 and 4 of Schedule 1 and are not limited to the nine categories listed in Table 2 below.

For substances listed in Part 3 of Schedule 1, Table 2 should not be used for any of the reportable activities. Only manufactured items that are described by one or more of the associated application codes in Part 3 of Schedule 1 should be reported.

**Table 2. Categories of applicable imported manufactured items and examples**

| Categories of applicable manufactured items | Examples |
|---|---|
| Intended to be used by or for children under the age of 14 years | Play mats; pacifiers; toys for babies and toddlers; board books; teething toys; plastic jewelry. |
| Intended to come into contact with the mucosa of an individual, other than eyes | Cotton-tipped applicators; mouth guards; dentures; orthodontic equipment (e.g., braces); hearing aids; nasal sprays; thermometers; tissue; tampons; and condoms. |
| Intended to release the substance during conditions of use such that the substance may be inhaled or come into dermal contact with an individual | Scented paper items; air fresheners; scented candles; scented markers; dryer sheets; cleaning wipes; lipsticks. |
| Cookware, or a cooking or serving utensil that is intended to come into direct contact with heated food or beverage | Pots and pans; woks; griddles; serving soup ladles or spatulas; plates; bowls; and cutlery. |
| Food packaging material, including single serve/disposable bowls, plates, cups, other serving-ware, as well as food cans and lid liners, that are intended to or may come into direct contact with food or beverage | Plastic single-serve or disposable containers such as bowls, plates and cups; plastic bottles such as disposable water bottles; plastic, wax and aluminum food wrap; cereal liner bags; food or beverage cans or jars; lids of cans or jars, including lid liners; infant formula containers; and coffee cups. |
| Reusable food or beverage container | Reusable water bottles; travel mugs; reusable food storage plastic containers and lids; and baby bottles. |
| Clothing or footwear | Shirts; pants; outerwear (e.g., coats, gloves, hats); undergarments (e.g., underwear or boxer shorts); |

| Categories of applicable manufactured items | Examples |
|---|---|
| | sleepwear (e.g., pajamas); socks; shoes; boots; slippers; sporting gear (e.g., skates, helmets, shin pads and hockey/baseball gloves); protective clothing used in an occupational setting.<br><br>**NOT reportable**: wallets; handbags; backpacks. |
| Bedding, sleeping bags and towels | Sheets; pillow cases; blankets; sleeping bags; bathroom and kitchen towels; mattress protectors; and camper and camping bedding.<br><br>**NOT reportable**: Tents. |
| Furniture, mattress, cushion or pillow intended to be used in a residence, where the substance is contained in foam or leather or in a textile fiber, yarn or fabric | Mattresses including foam mattresses; pillows; cushions; chairs, sofas; mattress pads.<br><br>**NOT reportable**: Lamps; televisions; dentist chairs; surgical tables; hospital beds; desks; cabinets; and bookcases. |
| Carpet, vinyl or laminate flooring, or foam underlay for flooring, intended to be used in a residence | Carpets and rugs; laminate and vinyl/PVC flooring. |

**Tip**: SHI submissions are encouraged for manufactured items not covered by these categories (e.g., PVC-insulated wire and cables).

Important definitions to consider:

- **Food packaging material** means anything in which a food or beverage is wholly or partly contained, placed, or packed.
- **Mucosa** is defined as a group of mucous membranes that line parts of the body which lead to the outside and are exposed to air (i.e., mouth and digestive tract, urogenital tract [urethra and vagina], respiratory tract [including the nose], eyes, and ears).
- **Direct contact with food** occurs when a manufactured item (e.g., cookware, cooking or serving utensils, reusable food or beverage containers, or food packaging) is **not** separated from the food or beverage by an effective functional barrier, so there is potential for substances to migrate to the food or beverage.
- **Textile fibre** means any natural or manufactured matter that is capable of being made into a yarn or fabric and includes human hair, kapok, feathers and down and animal hair or fur that has been removed from an animal skin.
- **Fabric** means any material woven, knitted, crocheted, knotted, braided, felted, bonded, laminated or otherwise produced from, or in combination with, a textile fibre.

A "**product"** is anything that does not meet the definition of a mixture or manufactured item.

**Tip:** you do not have to differentiate between mixture and product since the reporting criteria are the same for both. The following non-exhaustive list provides examples of mixtures or products that may contain a reportable substance listed in Schedule 1 of this notice:

- paints, coatings, and strippers
- ink toners and colourants
- cosmetics and personal care products such as lipstick, mascara, eye shadow, toothpaste, mouthwash, creams (including sunscreen), and lotions
- cleaning liquids, gels or sprays
- putties, epoxy resins, adhesives, glues and lubricants

A "**good"**, for the purpose of this notice is a mixture, a product or a manufactured item.

## 3.2 Activities

Four activities are listed in the reporting criteria: manufacture, import, use in the manufacture of a good, and use in other activities.

### 3.2.1 Manufacture

"Manufacture" means the creation or production of the substance itself and includes both the intentional and the incidental production of the substance.

Substances in Part 1, Part 2 and Part 4 of Schedule 1 need to be considered for this activity.

Incidental manufacture of a substance may occur if, during the process of blending or formulating, a chemical reaction occurs that results in the production of a reportable substance. Incidental manufacture is not intended to produce a final product for commerce. Incidental manufacture should be included in your calculations for paragraph 2(2)(*a*) of the notice.

Using a reportable substance in the manufacture of a mixture, product or manufactured item is NOT considered "manufacture" for the purposes of responding to the notice, as you are not creating the substance. In this case, the activity would be considered "use in the manufacture of a good", which is another type of reportable activity (Subsection 3.1.3 of this document).

Examples of activities that meet the definition of "manufacture":

- You manufacture the substance
- The substance is incidentally manufactured in your activities.

Manufacture of the substance alone is not included as an activity for substances in Part 3 of Schedule 1.

### 3.2.2 Import

"Import" means the movement into Canada from another country of any reportable substance, whether alone, in a mixture, in a product or in an applicable manufactured item (see Table 2 in Subsection 3.3 of this document).

Substances in all Parts of Schedule 1 need to be considered for this activity.

Examples of activities that **meet** the definition of "import":

- You purchased a reportable substance from a foreign supplier, and the substance was shipped directly from the foreign supplier to your location in Canada.

- You ordered a mixture containing a reportable substance from a foreign supplier, and the mixture was shipped directly from the foreign supplier to your distribution warehouse in Canada.
- You purchased a manufactured item that contains a reportable substance from a foreign supplier, and the manufactured item was shipped directly from the foreign supplier to your location in Canada.
- As part of an internal company transfer, a reportable substance is moved from a foreign branch of your company to your location in Canada.

Examples of activities that **do not meet** the definition of "import":

- You ordered a product containing a reportable substance from a warehouse located in Canada.
- You transferred a mixture, product, or manufactured item containing a reportable substance across provincial borders to be stored in a different warehouse.
- You purchased or received a reportable substance alone, in a mixture, in a product, or in a manufactured item that was already located in Canada.

For substances in Part 3 of Schedule 1, only substances that are imported and associated with an applicable application code should be considered in your calculation to determine if you meet the reporting criteria. The categories of applicable imported manufactured items (see Table 2 in Subsection 3.3 of this document) do not apply for substances in Part 3 of Schedule 1.

#### *3.2.2.1 Foreign suppliers and Importers of record*

An importer is the person responsible for the movement of a reportable substance into Canada from another country. For the purposes of the notice, the person responsible for responding to the notice is the company that "caused" the substance to come into Canada. In other words, the substance came into Canada on their request. This should not be confused with an "Importer of Record", which is a term used by the Canadian Border Services Agency and may or may not be the same company that is required to report to a notice.

The foreign supplier (i.e., exporting to Canada, located outside of Canada) is not subject to the notice. Rather, the receiver (who imports to Canada) is subject to the notice, if the reporting criteria are met. Foreign suppliers are encouraged to inform their Canadian customers (i.e., Canadian importers) that they import a reportable substance and may meet the reporting requirements of the notice. Foreign suppliers can also choose to submit information and respond to the notice on behalf of Canadian importers. If Confidential Business Information (CBI) cannot be shared with Canadian importers to allow them to respond to the notice, please refer to Section 13 of this document for information on the blind submission process. This process allows foreign suppliers and their Canadian importers to collaborate and provide all the information required in the notice, while still protecting CBI.

### 3.2.3 Use in the manufacture of a mixture, product or manufactured item (good)

"Use in the manufacture of a good" means using a reportable substance, whether alone, in a mixture or in a product, to manufacture (i.e., to create, to make) another mixture, product, or manufactured item. Only the use of a substance alone, in a mixture, or in a product should be considered for this activity. The use of a manufactured item to manufacture another mixture, product or manufactured item is not included. This activity includes both situations where the reportable substance does or does not end up in the mixture, product, or manufactured item.

Substances in all Parts of Schedule 1 need to be considered for this activity.

Examples of activities **that meet** the definition of “use in the manufacture of a good”:

- You blend a reportable substance with other components to make a mixture.
- You react a reportable substance with another substance to make a product.
- You use a mixture containing a reportable substance as a finishing agent to make a manufactured item.
- You use a mixture containing a reportable substance as an additive in the formulation of a product (e.g., metalworking fluids, asphalt emulsions, polyurethane foam, tire and rubber products).
- You use the substance (or a mixture containing the substance) (e.g., as an auxiliary agent or a catalyst) in the manufacture of a product but the substance does not end up in the product.
- You use a reportable substance (whether alone, in a mixture or in a product) as a floatation agent in mineral extraction.
- You use a product (e.g., a metalworking fluid) containing a reportable substance in the manufacture or remanufacture of metal products, machinery, or equipment, and the substance is contained in the final machinery or equipment.

Examples of activities that **do not meet** the definition of “use in the manufacture of a good”:

- You use a product, which contains a reportable substance, to service machinery and equipment, including machinery and equipment used in the manufacture of your products.
- You use a manufactured item that contains a reportable substance in the assembly of another manufactured item.

**Tip**: for the purposes of this notice, remanufacturing is considered to fall under the “use in the manufacture of a good” activity.

For substances in Part 3 of Schedule 1, only substances that are used in the manufacture of a mixture, product or manufactured item associated with an applicable application code should be considered in your calculation to determine if you meet the reporting criteria.

### 3.2.4 Use in activities other than the manufacture of a mixture, product or manufactured item (Use in other activities)

“Use in other activities” means the use of a substance alone, in mixture or in a product for purposes other than to manufacture a good. The use of a manufactured item is not to be considered in this section.

Only substances in Part 4 of Schedule 1 need to be considered for this activity.

Examples of activities that **meet** the definition of “use in other activities”:

- You use a product containing a reportable substance to clean your facility.
- You use a product containing a reportable substance for repair or maintenance on manufacturing equipment.

- You use a metalworking fluid (e.g., coolants, lubricants, cutting oils) for activities such as machine finishing, machine tooling, and other metalworking and metal-forming operations that lead to the repair or maintenance of a good.
- You use a product containing a reportable substance to strip: furniture, metal parts, parts of a car, building surfaces (e.g., floors, porch railings, and walls), etc.

Examples of activities that **do not meet** the definition of "use in other activities":

- You use a mixture containing a reportable substance to make a product.
- You use a manufactured item containing a reportable substance in your facility.

## 3.3 Quantity and concentration thresholds

Any person who manufactured a substance, imported a substance, used a substance, mixture or product in the manufacture of a good or used a substance, mixture or product in other activities must respond to the notice if they meet the thresholds outlined in Table 1.

**Tip:** The quantity threshold applies to each reportable activity and each substance, on a company-wide basis.

If you imported a reportable substance in a good during the reporting year, you will need to determine whether the good also meets the concentration threshold. Similarly, if you used a reportable substance either in the manufacture of a good or in other activities, you will need to determine whether you meet the concentration threshold.

## 3.4 How to determine if you meet the quantity and concentration thresholds

You are required to report the quantity of the reportable substance itself, in kilograms (kg), and not the quantity of the mixture, product or manufactured item containing the substance.

The sample calculation (Equation 1) and examples below may help you calculate whether your company meets the reporting thresholds of the notice.

### Equation 1: General formula for determining the total quantity of a reportable substance in a good

$$\text{Total Quantity}_{(\text{Substance A})} = \text{Quantity}_{(\text{Good})} \times \%\ \text{Concentration}_{(\text{Substance A in Good})}$$

Quantity = quantity in kilograms
Substance A = a reportable substance listed in Schedule 1 of the notice
Good = any mixture, product or manufactured item containing substance A
% Concentration = concentration of Substance A by weight (w/w %) in the good.

### 3.4.1 Sample calculations

If you imported 500 kg of Good X and Substance A is present in Good X at a concentration of 50% then:

$$\text{Total Quantity}_{(\text{Substance A})} = 500\text{kg}_{(\text{Good X})} \times 50\%_{(\text{concentration of substance A in Good x})}$$

$$\text{Total Quantity}_{(\text{Substance A})} = 250\ \text{kg}$$

If you imported 100 kg of Good Y which contains Substance A at a concentration of 10% and you also imported 400kg of Good Z which contains Substance A at a concentration of 50% then:

$$\text{Total Quantity}_{(\text{Substance A})} = (100\text{kg}_{(\text{Good Y})} \times 10\%) + (400\text{kg}_{(\text{Good Z})} \times 50\%)$$

$$\text{Total Quantity}_{(\text{Substance A})} = 210 \text{ kg}$$

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Example for total **quantity of a substance imported**:

In the reporting year, you imported:

- 8 kg of Substance A alone
- 500 kg of Product X, which contained 0.2% of reportable Substance A
- 75 kg of Product Y, which contained 0.2% of reportable Substance A.

Substance A is on Part 1 of Schedule 1. Therefore, Product X and Product Y meet the concentration threshold of ≥ 0.1% for an imported product and Substance A alone is not subject to a concentration threshold; however, the total quantity threshold for Substance A must also be met across all imports in the reporting year, which is determined as follows:

$$\text{Total Quantity}_{(\text{Substance A})} = 8\text{ kg}_{(\text{Substance A})} + (500\text{ kg}_{(\text{Product x})} \times 0.2\%) + (75\text{ kg}_{(\text{Product y})} \times 0.2\%)$$

$$\text{Total Quantity}_{(\text{Substance A})} = 9.15 \text{ kg}$$

Since the total quantity of the imported substance A is less than the total quantity threshold of >100 kg, **you do not meet** the reporting criteria for the reportable substance even if the ≥0.1% concentration threshold is met. You are therefore not required to report the import of Substance A. As you do not meet the reporting criteria, but you have activity with one or more of the substances, you are encouraged to submit an SHI. Section 15 of this document has more information about SHI submissions.

Example for total **quantity used in the manufacture of a good**:

In the reporting year, your company used 300,000 kg of Mixture Z that contained 10% Substance B in the manufacture of a good. Substance B is in Part 2 of Schedule 1. The total quantity of Substance B that is used is determined as follows:

$$\text{Total Quantity}_{(\text{Substance B})} = 300{,}000\text{ kg}_{(\text{Mixture Z})} \times 10\%$$

$$\text{Total Quantity}_{(\text{Substance B})} = 30{,}000 \text{ kg}$$

The total quantity (30,000 kg) of the substance is above the reporting threshold of 1000 kg and the concentration of the reportable substance in the mixture is above the 0.1% concentration threshold; therefore, you do meet the reporting criteria for the substance. You are required to report the use of Substance B in the manufacture of a good.

### 3.4.2 Examples

The following examples provide additional guidance for determining whether you meet the

reporting criteria of the notice.

You **do meet** the reporting criteria if, during the reporting year:

- You imported 2,000 kg of a mixture that contained 10% of a reportable substance listed in Part 1 of Schedule 1. Therefore, the quantity of the reportable substance imported was 200 kg. 1,500 kg of the mixture (containing 150 kg of the substance) was then used by the company to manufacture a good.
    - In this case, **you do meet** the concentration (≥0.1%) and quantity (>100 kg) thresholds of the reporting criteria for the import activity and the use in the manufacture of a good activity; therefore, you are required to respond to the notice for both activities.
- You manufactured 400 kg of a reportable substance listed in Part 1 or Part 4 of Schedule 1. In this case, **you do meet** the quantity threshold (>100 kg) of the reporting criteria. You are required to respond to the notice.
- You imported 60,000 kg of reportable manufactured item that contains a reportable substance in Part 1 or Part 4 of Schedule 1. The concentration of that substance was 1%. The total quantity of the reportable substance imported was 600 kg. In this case, **you do meet** the quantity threshold (>100 kg) and concentration threshold (≥0.1%) of the reporting criteria. You are required to respond to the notice.
- You imported a reportable substance, in Part 2 of Schedule 1, alone and it was shipped directly to each of your three Canadian facilities. The facilities receive 500 kg, 200 kg, and 400 kg of the reportable substance respectively. You imported a total of 1100 kg of the reportable substance on a company-wide basis. In this case, **you do meet** the quantity (>1000 kg) threshold of the reporting criteria for the import activity. You are required to respond to the notice.
- You imported 7,000 kg of Product A which contained 10% of a reportable substance in Part 1 or Part 4 of Schedule 1 (equal to 700 kg of the substance) and 200,000 kg of Product B that contained 0.01% of the same substance (equal to 20 kg of the substance). As Product B does not meet the concentration threshold of ≥0.1% or the quantity threshold of >100 kg, you are not required to consider Product B in your calculations. However, since **you do meet** the quantity threshold (>100 kg) and concentration threshold (≥0.1%) for Product A, you are required to respond to the notice for Product A (containing 700 kg of the substance).
- You used 10,000 kg of Product C containing 10% of a reportable substance listed in Part 4 of Schedule 1, to clean facility equipment. The total amount of the reportable substance was 1,000 kg, therefore **you do meet** the quantity (>100 kg) and concentration (≥0.1%) thresholds and you are required to respond to the notice.

**Tip:** If you know that the quantity threshold is met but the concentration information is not available to you even after reasonable efforts were made to obtain that information from your supply chain, you should respond to the notice and inform your supplier of the blind submission process.

You **do not meet** the reporting criteria if:

- You manufactured more than 100 kg of a reportable substance during a different calendar year only (i.e., not the reporting year).
- You manufactured 500 kg of a substance in Part 2 of Schedule 1.
- You imported 1,100,000 kg of a manufactured item that contained 0.01% of a reportable substance. The total quantity of the substance imported was 110 kg, but the concentration was 0.01% and that **does not meet** the concentration threshold (≥0.1%).
- You used 500 kg of a mixture that contained 10% of a reportable substance in the manufacture of a product. Although you meet the concentration threshold (≥0.1%), you **do not meet** the quantity threshold (>100 kg) as only 50 kg of the substance itself was used.
- You did not have any activity with the reportable substances. You may submit a DNE.

**Tip:** If you had activity with a reportable substance but the quantity was below the 100 kg or 1000 kg thresholds, or the concentration was below 0.1%, you are encouraged to submit the information via an SHI.

# 4. Section 3 of the notice – Successor or assign of person

Section 3 of the notice requires any successor or assign of the person described in Section 2 of the notice to respond to the notice.

# 5. Section 4 of the notice – Exclusions

Section 4 of the notice lists exclusions that apply to this notice. There are a total of 10 exclusions. Some additional information that may help you determine if an exclusion applies to you can be found below.

“In transit” refers to the portion of an international transboundary movement of a substance through the territory of a country that is neither the point of origin nor the final destination. Whether something is considered in transit has to do with shipping destinations of the goods at the time of entry into Canada. Cases where goods are warehoused in Canada and then sold or distributed to foreign customers are reportable.

The following two scenarios illustrate what may or may not be considered "in transit":

- Goods are shipped from Europe to Canada, where they are transferred to trucks that transport them to their final destination in the USA. While in Canada, these goods **are considered** "in transit".
- Goods are shipped from Europe to Canada. The goods remain on their pallets, shrink wrapped, and are stored in a distribution warehouse until they are sold internationally and shipped accordingly (exported). While in Canada, these goods **are not considered** "in transit".

If you had activity with a reportable substance listed in Part 3 of Schedule 1 of the notice, but the application of the imported substance or the manufactured good is not included in the application codes listed in Part 3, you are not required to respond to the notice.

Should one or more exclusion apply, you are not required to provide information on the excluded activity or good; however, you are encouraged to submit an SHI to inform the Government of this activity. Activities that are not excluded may still require your response as it relates to reportable substances.

# 6. Section 5 of the notice – Amalgamated information for multiple facilities

A company that owns more than one facility must respond to the notice on a company-wide basis. A single response to the notice must be submitted for the company. All sections of the notice require information to be provided at the company-level, with the exception of section 8 of the notice which requires information to be provided for each relevant facility.

# 7. Section 6 of the notice – Contact information

In Section 6 of the notice, the contact information required must be provided for the person subject to the notice, which may be a company or organization. The information required (as prescribed in Section 6 of the notice) must be entered in Environment and Climate Change Canada's Single Window Information Manager (SWIM) online reporting system as well as the ERF. More information on how to report data in the ERF and through the SWIM online reporting system can be found in Sections 14 and 17 of this document, respectively.

# 8. Section 7 of the notice – Total quantities

In Section 7, you are required to provide the total quantities of reportable substances for each activity listed in Section 7. Section 7 of the notice applies to the reportable substances for which the reporting criteria listed in Section 2 of the notice are met.

Quantities reported in this section of the notice should be:

- for the reportable substance itself, reported in kilograms (kg), and **not** for the quantity of the good containing the reportable substance; and
- rounded to the nearest kg. If that is not possible, rounding to the nearest 10 kg is also acceptable.

## 8.1 Quantity manufactured

You must provide the total quantity of the reportable substance that you manufactured in Canada during the reporting year**.** You should provide the sum of quantities of each substance in Parts 1, 2 and 4 manufactured in the reporting year.

You are not required to report quantity of any substance listed in Part 3 that you manufactured. However, you are encouraged to submit an SHI if you manufactured any of the substances listed in Part 3 of Schedule 1 of the notice.

## 8.2 Quantity imported

You must provide the total quantities of the reportable substance that you imported alone, in a mixture or product, or in a manufactured item listed in Table 2 of this document into Canada during the reporting year. If you imported a reportable substance in a mixture, product or

applicable manufactured item, you will need to use the concentration of the reportable substance in the mixture, product or manufactured item to calculate the quantity of the substance imported. Guidance on how to calculate the total quantity of a reportable substance in a good can be found in Subsection 3.5 of this document.

Note for substances in Parts 1, 2 and 4, only imports of the manufactured items listed in clauses 2(2)(*b*)(iii)(A) to 2(2)(*b*)(iii)(J) of the notice should be included in your response to the notice (see Table 2 of this document for additional details). For substances in Part 3 of Schedule 1, only imported substances described by an associated application code should be reported.

## 8.3 Quantity used in the manufacture of a good

You must provide the total quantity of the reportable substance that you used in the manufacture of a good. The quantity for this activity applies to the use of a reportable substance alone, in a mixture or in a product and NOT a manufactured item.

For substances in Part 3 of Schedule 1, only substances (whether alone, or in a mixture or a product) used to manufacture a good that is described by an application code should be reported.

This activity includes both situations where a reportable substance does or does not end up in the good that is manufactured.

## 8.4 Quantity used in other activities

You must provide the total quantity of the reportable substance listed in Part 4 of Schedule 1 that you used in activities other than the manufacture of a good. The quantity for this activity applies to the use of a reportable substance alone, in a mixture or in a product and NOT a manufactured item.
You are also required to provide a description of the activities with the substance on a company-wide level. Typical activities include cleaning, maintenance and repair.

## 8.5 Example of information required for Section 7 of the notice:

During the reporting year, you:

1) Imported 100 kg of a good containing Substance A at a concentration of 20% (20 kg of Substance A). You also imported 1,000 kg of another good containing Substance A at a concentration of 10% (equal to 100 kg of Substance A). Substance A is in Part 1 of Schedule 1. The total quantity of Substance A imported is 120 kg, which meets both the quantity threshold (>100 kg) and concentration threshold (≥0.1%).
2) Manufactured 2,000 kg of Substance B and then used it in the manufacture of a good. Substance B is in Part 2 of Schedule 1. The total quantity of Substance B manufactured is 2000 kg and the total quantity used in the manufacture of a good is 2000 kg, which meets the quantity threshold for substance alone in both cases (>1000 kg).
3) Used 150 kg of Substance C in the manufacture of a good. Substance C is in Part 4 of Schedule 1. The total quantity of the Substance C meets the quantity threshold for use of a substance alone (>100 kg).
4) Used 2,000 kg of a cleaning product that contained Substance C at a concentration of 50%. The total quantity of the substance used in other activities is 1,000 kg which meets both the quantity threshold (>100 kg) and concentration threshold (≥0.1%). The description provided would be “used for cleaning facilities”.

Table 3 summarizes the information that would be required in Section 7 of the notice based on the information above.

**Table 3. Example of information required for Section 7 of the notice**

| Substance | Quantity manufactured (kg) | Quantity imported (kg)* | Quantity used in the manufacture a good (kg) | Quantity used in other activities (kg) | Description of activities |
|---|---|---|---|---|---|
| A | 0 | 120 | 0 | 0 | |
| B | 2,000 | 0 | 2,000 | 0 | |
| C | 0 | 0 | 150 | 1,000 | Used for cleaning facilities |

*Quantity imported in the table represents the sum of three import quantities: substance alone, substance in a mixture or product and substance in an applicable manufactured item.

# 9. Section 8 of the notice – Facilities

Section 8 of the notice applies to reportable substances that were released or may have been released from the facility to the environment in quantities greater than 100 kg and for which the reporting criteria of one or more of the following activities are met:

- manufactured
- used in the manufacture of a good
- used in activities other than in the manufacture of a good (only for substances in Part 4 of Schedule 1).

Section 8 does not apply to facilities:

- that are used solely for distribution and warehousing (including retail facilities);
- where the activity with the reportable substance has no potential release of reportable substances to the environment; or
- where less than 100 kg of a reportable substance was released or may have been released to the environment.

In section 8 of the notice, you are required to provide information on your Canadian facilities. You should consider both known as well as potential releases of a reportable substance from your facility. See Subsection 9.6 of this document for additional guidance and examples of releases.

**Tip:** Section 8 of the notice applies to your Canadian facilities only, not your customer's facilities.

## 9.1 Definition of environment

When identifying release to the environment, you should also consider the following definition:

The term "environment" reads in subsection 3(1) of the Act as follows:
"**environment** means the components of the Earth and includes
(a) air, land and water;
(b) all layers of the atmosphere;
(c) all organic and inorganic matter and living organisms; and

(d) the interacting natural systems that include components referred to in paragraphs (*a*) to (*c*)."

## 9.2 Examples

You **are required** to provide information for a facility if, for example, during the reporting year you did one of the following activities that met the reporting criteria at the company-level as per paragraphs 2(2)(*a*), (*d*), (*e*) or (*f*) of the notice:

- Used a mixture containing a reportable substance in Part 4 of Schedule 1 on-site to clean surfaces.
- Imported a reportable substance and used it to manufacture a good at your facility.
- Incidentally produced a reportable substance during the manufacture of a household cleaner. The reportable substance is considered to be manufactured in this facility.
- Imported a coating product containing a reportable substance to a Canadian manufacturing facility, which is then used on site as a water repellant in food packaging. In this example, the product is used in the manufacture of a good, therefore the facility must be reported.
- Used a reportable substance, in Part 4 of Schedule 1, on-site with potential losses to wastewater through raw material handling, compounding, packaging, equipment cleaning, direct cooling water, wastewater from air treatment, or cleaning of production tools or equipment.

You **are not required** to report your facility if, for example, during the reporting year you did one of the following:

- Imported a product containing a reportable substance to your Canadian distribution center that was packaged into boxes and shipped to customers to fulfill online sales. The distribution center does not need to be reported as a facility.
- Imported a product containing a reportable substance in bulk containers to your facility to be repackaged into smaller containers that are sold to retailers. Since you imported a product that is not used in the manufacture of another good, the facility does not need to be reported.
- Imported children's toys (manufactured items) containing a reportable substance to retail stores in Winnipeg. Import to retail stores is not required to be reported in Section 8.

You are required to provide the information in paragraphs 8(*a*) and 8(*b*) of the notice for your reportable facilities and the information in paragraph 8(*c*) of the notice for each substance at your facilities.

## 9.3 Facility name and address

You must provide the name and the address of each of your reportable facilities, including the facility physical street address, city, province and postal code.

## 9.4 NAICS Code

You must provide the NAICS code that applies to the activities with the reportable substances at the facility. A list of six-digit codes of the North American Industry Classification System is available on the Statistics Canada website and in the ERF.

If more than one NAICS code applies to the activities at the facility, you can provide them as additional codes in the ERF. More information on how to report data in the ERF can be found in Section 14 of this document.

### 9.5 Quantities

Provide the following quantities in kilograms (kg) **for each reportable facility**:

- the quantity of each reportable substance manufactured at each facility;
- the quantity of each reportable substance used at each facility in the manufacture of a mixture, a product, or a manufactured item, whether alone, in a mixture or in a product;
- the quantity of each reportable substance in Part 4 of Schedule 1 used at each facility in activities other than in the manufacture of a mixture, a product or a manufactured item, whether alone, in a mixture or in a product; and
    - you are required to provide a description of these uses.

The quantities in this section are generally expected to be a facility level breakdown of the quantities provided in Section 7 of the notice.

### 9.6 Monitoring of releases of the substance to air, water or land

You must indicate whether releases of the substance from the facility to air, water or land are monitored. Monitoring and surveillance involve the regular collection of physical, chemical and biological data using standard methods and protocols to detect and characterize environmental change.

The term “release” reads in subsection 3(1) of the Act as follows:

"**Release** includes discharge, spray, inject, inoculate, abandon, deposit, spill, leak, seep, pour, emit, empty, throw, dump, place and exhaust.”

Release includes direct or indirect emissions or discharges of a substance in any form (liquid, solid or gas) and into any media (air, water or soil), whether the release is intentional or non-intentional during normal operations. The following are examples of different sources of releases of a substance in either solid (e.g., powder, pellet), liquid (e.g., sludge, solution) or gaseous (e.g., vapour), state:

- emissions to air – discharges through a stack, vent or other point release, losses from storage and handling of the substance or products containing the substance, fugitive emissions, spills and accidental releases, and other non-point releases;
- releases to surface waters – direct and indirect discharges to water bodies, including discharges to municipal wastewater and stormwater collection and/or treatment systems, spills and leaks; or
- releases to land – underground injections, discharges to groundwater, and discharges resulting from spills, leaks and other.

For greater clarity, any loss of the substance from the facility, even if indirect, should be considered. Losses can occur, for example, during cleaning of floors, cleaning of lines or from release of contact cooling waters.

## 10. Section 9 of the notice – Information on goods

Section 9 of the notice applies to reportable substances for which the reporting criteria of one or more of the following activities are met:

- manufactured
- imported
- used in the manufacture of a mixture, a product or a manufactured item (excludes the use of a manufactured item).

Section 9 of the notice does not apply to substances that were only used in activities other than in the manufacture of a good.

For the purposes of this notice a good may be a mixture, product or manufactured item containing the substance.

## 10.1 Goods intended for final use

In Section 9 of the notice, you are required to provide information on the goods sold and, if the good sold is not intended for final use, the goods intended for final use containing the substance.

You must provide the information required in subsection 9(1) of the notice for the goods sold.

The good would be considered for final use if it is offered for sale to an end user. If the good sold is intended for final use, you must provide the information in subsection 9(2) of the notice.

If the good will be used in the manufacture of another good, you must make a reasonable effort to provide the information in subsection 9(3) of the notice for the goods intended for final use. The good intended for final use may be a good that was manufactured by your customers using the good that you sold to them. Likewise, the good intended for final use may also be goods that were manufactured by companies further down in the supply chain.

You may need to contact your customers to determine what the goods intended for final use that contain the substance are. When responding to the notice, use the most complete and accurate information available to you. If you do not have information on the goods intended for final use **and** your efforts to obtain this information (e.g., request for information across the supply chain) did not yield the necessary information, you may indicate that the information is "not reasonably accessible" in the reporting form.

Please note that information on goods intended for final use is essential to the risk assessment and risk management processes. It is in your best interest to make reasonable efforts to obtain this information throughout the supply chain. The absence of information on goods intended for final use may result in the use of conservative assumptions that may impact your ability to manufacture, import or use certain substances, or goods containing these substances, in Canada.

## 10.2 Information on goods sold

### 10.2.1 Reportable codes

For each reportable substance, you are required to provide:

- the application code (C code) that describes the goods (whether or not for final use) containing the substance;
- for each application code, the substance function code(s) (U codes) that describe the substance function in the goods (whether or not for final use);
    - If there is more than one substance function code that applies to the application, you must provide the main substance function code and any other substance function code(s).
    - If code U999 (Other) is selected, you must provide a written description of the substance function.

**Tip:** It is possible to have several combinations of U and C codes for the same substance across different goods.

#### *10.2.1.1 Application codes – Schedule 2 of the notice*

Application codes begin with the letter C and are used to identify the application of the substance alone, mixture, product or manufactured item containing the substance with regards to its purpose in a consumer or commercial setting.

For example, if the substance is contained in:

- A shampoo, select “C108 – Personal care and cosmetics;
- A sunscreen, select “C563 – Drugs” or “C564 – Natural Health”;
- A plastic toy truck, select “C304 – Toys, playground and sporting equipment”;

If a good has more than one application, you are required to report the applicable code that best describes the application. C999 can be used when there is no other code to match the application of the good. The application codes are listed in the notice and in the “Substances and Codes” tab of the ERF.

#### *10.2.1.2 Substance function codes – Schedule 3 of the notice*

Substance function codes begin with the letter U and are used to describe the function of the substance itself with regards to the intended physical or chemical characteristic for which a chemical substance is consumed as a reactant; incorporated into a formulation, mixture, or product; or used.

For example, if the substance function is:

- Used to control odours in a product, select “U018 – Odour agents”;
- A monomer to make polycarbonate plastic, select “U015 – Intermediate”;
- To reduce friction or heat in a vehicle lubricant, select “U017 – Lubricants and lubricant additives”;

If a substance has more than one function in a good, you can also report secondary function codes in the ERF. Code U999 should only be used when there is no other code to match the function of the substance. The substance function codes are listed in the notice and in the “Substances and codes” tab of the ERF with their descriptions. Additional information for each combination of substance and application code must also be provided.

### 10.2.2 Concentration and quantity of the substance in the goods

For each combination of substance and application code, you are required to provide the concentration or range of concentrations, reported as a weight percentage (w/w%), the quantity or quantity range, reported in kilograms (kg) of the reportable substance contained in all of the goods combined, and the export quantity or export quantity range, reported in kilograms (kg) of the reportable substance in all of the goods combined. You must also indicate whether the goods were intended for final use, for use in the manufacture of other goods, or for both.

## 10.3 Information on goods intended for final use

You must provide information on the goods sold that are intended for final use in subsection 9(2) of the notice. If the goods sold are not intended for final use, then you must provide information for the goods intended for final use in 9(3) of the notice - these may be goods that were manufactured by your customers using the goods that you sold to them.

### 10.3.1 Description of the goods

For each good, you are required to provide a concise written description of the goods intended for final use (see subsection 10.4 of this document for examples).

If you do not know the concentration and quantity of the reportable substance in the goods, even after making reasonable efforts to obtain the data, you may indicate in the ERF that this information is not reasonably accessible and will not be provided.

### 10.3.2 Common or generic names

You are also required to provide the common or generic name of the goods intended for final use containing the substance. If your own good is not final, you must provide the common or generic name of the good intended for final use containing the substance (see subsection 10.4 of this document for examples).

### 10.3.3 Intended use of the goods intended for final use

You must consider if the goods intended for final use are intended for use in commercial activities, consumer activities, or for use by or for children 14 years of age or younger.

**Commercial use** refers to the use of a substance or a good containing a substance, by a commercial enterprise providing saleable goods or services.

For example:

- Substance is contained in a good sold to a company as heavy factory machinery.
- Substance is contained in a good (e.g., commercial carpet cleaning liquid) that is distributed to professional office carpet cleaning companies.

**Consumer use** refers to the use of a substance that is directly, or as part of a good, sold to or made available to consumers for their use in or around a permanent or temporary household or residence, a school, or a recreational area.

For example:

- Substance is contained in an imported good (e.g., body lotion or disinfectant wipes) that is sold or made available to consumers.
- Substance is contained in a product (e.g., paint) that is sold or made available to consumers for do-it-yourself projects.

**Intended to be used by or for children** refers to a good intended for use by or for children 14 years of age or younger.

For example:

- Moisturizer intended for infant use
- Wipes to clean infant and children genitalia, noses, mouths and/or hands
- Craft products intended for children use
- Toys intended for children use
- Infant formula packaging intended for infant use
- Hand soap used by all ages.

### 10.4 Examples of information required for section 9

Company A uses a reportable substance in the manufacture of all-purpose household cleaning products (subsections 9(1) and 9(2) of the notice):

- Application code: C105 - Cleaning and furnishing care
- Substance function code: U029 - Solvents (for cleaning or degreasing)
- Concentration for good sold: 10-15%
- Quantities for good sold: 1000 kg
- Whether good sold is intended for final use or use in the manufacture of other goods: final use
- Description for good sold: all-purpose household cleaning product
- Common or generic names of good sold: Superior ABC all-purpose cleaner
- Intended uses of good sold: consumer use

Company B manufactures a substance that is sold to another company that makes natural health products (subsections 9(1) and 9(3) of the notice):

- Application code: C564 – Natural Health
- Substance function code: U008 - Dyes
- Concentration for good sold: 50%
- Quantities for good sold: 10 kg
- Whether own good sold is intended for final use or use in the manufacture of other goods: use in the manufacture of other goods
- Description of good intended for final use: vitamins and supplements.
- Common or generic names of good intended for final use: ABC Brand of vitamins, XYZ brand of supplements
- Intended uses of the good intended for final use: consumer use. If Company B does not know what the good intended for final use containing the dye are, they should contact their customers to request information on the goods.

Company C imports children’s toys for retail purposes (subsections 9(1) and 9(2) of the notice):

- Application code: C304 – Toys, playground and sporting equipment
- Substance function code: U022 - Plasticizers
- Concentration for good sold: 1%
- Quantity for good sold: 150 kg
- Whether good sold is intended for final use or use in the manufacture of other goods: final use
- Description for good sold: toy rattle
- Common or generic names of the good sold: ABC kids toy rattle
- Intended uses of the good sold: consumer use and use by or for children

# 11. Section 10 of notice – Unpublished studies

Section 10 of the notice applies to all reportable substances for which the reporting criteria listed in Section 2 of the notice are met.

In section 10 of the notice, you are required to provide the title(s) of any unpublished data or studies that may be in your possession or to which you may reasonably be expected to have access for each reportable substance that have not already been provided to the Government of

Canada under the *New Substances Notification Regulations (Chemicals and Polymers)* or under Section 70 of the Act.

The title should include the author and the year in which the study was performed. For example, the following information should be reported in the ERF for an acute toxicity study:

Title of study: A 48-hour flow-through acute toxicity test with Daphnia magna (Peter et al. 2011)

For the purposes of the notice, data or studies are considered "unpublished" if they are not readily found using standard search engines (e.g., Scopus, Pubmed, Toxline, Google, etc.). The unpublished data or studies can be from any calendar year. Full data or studies are not being requested at this time.

**Tip:** If the title of your unpublished data or study is in a language other than English or French, it can still be submitted. You are also welcome to translate the title(s) to English or French before submitting.

You are only required to provide the title(s) of unpublished data or studies for substances that meet the reporting criteria. However, you are encouraged to submit the title(s) of unpublished data or studies on reportable substances that do not meet the reporting criteria in an SHI.

Please note that Section 70 of CEPA may also be applicable for substances that do not meet the reporting criteria, and this is a mandatory information gathering provision under the Act. Examples of information that may be submitted under section 70 include, but are not limited to, toxicity studies, information on physical-chemical properties, absorption/leaching potential, concentrations, quantities, uses, monitoring data.

# 12. Request for Confidentiality

Pursuant to section 313 of the Act, any person who provides information in response to the notice may submit a written request that it be treated as confidential.

A request for confidentiality should only be made for information that is considered confidential under Canadian law.

If you provide information in response to the notice and have reason to believe your information is truly confidential, you are required to provide the reason for requesting confidentiality for each data element. Information can be declared confidential for the following reasons:

- it is a trade secret of the submitter;
- it is information of a financial, commercial, scientific or technical nature that is treated consistently in a confidential manner by the submitter;
- its disclosure could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of, the submitter; or
- its disclosure could reasonably be expected to interfere with contractual or other negotiations of the submitter.

Please note that as per the Approach to disclose confidential information and promote transparency in chemicals management, certain data elements are generally not expected to be confidential. Release of their information is seen as desirable to promote transparency. That is the case for the following two data elements requested in this notice:

- Common or generic names of goods sold or goods intended for final use

- Intended use of goods intended for final use

Additional clarifications may be required to justify your request for confidentiality. If that is the case, you will be notified and given 20 days to provide further written justification for your request.

# 13. Blind submissions

To determine whether you meet the reporting criteria of the notice, and in order to complete your response, communicating your needs up the supply chain is critical, including requesting information from a supplier of imported goods. A supplier may be reluctant to provide information to you if it is Confidential Business Information. In such a case, either the supplier should report on your behalf or you and your supplier can agree to both participate in a joint response via blind submissions, where each party submits part of the information directly to the Government of Canada. Blind submissions allow you to meet your reporting obligation, while protecting the supplier's confidential business information. Blind submissions can also be initiated by a supplier who knows or suspects that a customer should report, based on quantities purchased.

Here are the steps to follow to initiate the blind submission process:

1. Canadian companies legally responsible for reporting to the notice reach out to their suppliers to discuss whether to pursue the blind submission process.
2. If both parties agree to participate in a joint blind response, the parties should contact the Substances Management Information Line via joint email to indicate their intention to pursue the blind submission process. The email should include:
    - The legal name of each participating party and contact information as well as an indication of who is legally responsible for responding to the notice.
    - Clearly indicate what type of information should be kept confidential from the other party and reasons for the confidentiality request.
    - Sections of the notice (information requested) that each party will provide.
3. The Substances Management Information Line will then provide both parties with further instructions on how to submit their respective information through Environment and Climate Change Canada's Single Window.

## 13.1 Example

During the reporting year, you imported Product 123 into Canada from a foreign supplier. You follow up with your supplier to obtain information on the composition of Product 123 (CAS RN and concentration of the reportable substance in the product). Your supplier confirms that Product 123 contains a reportable substance and that based on the total quantity of Product 123 you purchased, you meet the reporting criteria outlined in Section 2 of the notice. However, your supplier is reluctant to share the composition of Product 123 since their formulation is confidential. You both agree to pursue a blind submission process. You email the Substances Management Information Line and copy your supplier on the email to provide the information requested in Section 13 of this guidance document.

The Substances Management Information Line will provide you and your supplier further instructions on how to submit blind submissions through Environment and Climate Change Canada's Single Window.

Based on information in your possession, you respond to the notice providing as much information as you can (e.g., quantity of substance in Product 123 imported, application codes, intended use). Your supplier provides the confidential information required to complete your submission (e.g., CAS RN, concentration of the reportable substance in the product and applicable substance function code).

# 14. Preparing a section 71 submission

If you meet the reporting criteria of the notice, you must provide your response by completing the ERF and using the Environment and Climate Change Canada's Single Window Information Management (SWIM) reporting system to submit a section 71 submission.

To prepare your s.71 submission, download the ERF from the Information Gathering Initiatives page and fill out the requested information. Instructions for completing and submitting the ERF in SWIM are included in the **Instructions** tab of the ERF and in the Section 17 below.

# 15. Preparing a declaration of stakeholder interest

If you do not meet the reporting criteria of the notice, but had activity with one or more reportable substances, you are encouraged to submit this information through a Declaration of Stakeholder Interest (SHI). An SHI can be submitted when you, for example:

- Did not have any activities with a reportable substance during the reporting year, but had activity in other calendar years.
- Imported manufactured items containing the reportable substances not captured by categories 2(b)(iii)(A)-(I) or that do not meet reporting thresholds.
- Imported or used goods that contain a reportable substance but do not meet reporting thresholds.
- Possess unpublished studies on substances that do not meet reporting requirements.
- Have activity with a reportable substance, but fall under an exemption as per section 4 of notice.

Examples of the type of information the Government may find useful to receive through an SHI:

- The substance identifier(s) of interest;
- For each substance a description of the activities you had with the substance(s)
- The total quantity and concentration of the substance, mixture, product, or manufactured item that was manufactured, imported, or used;
- The goods intended for final use containing the substance;
- Any other information or details associated with the data requested via this notice for which you may not meet the reporting requirement.

You are encouraged to share information that you have even if you do not meet the reporting criteria. The information will help the Government of Canada ensure that all activities representative of the Canadian context (e.g., commercial activities, levels of substance use, substance quantities) are considered before taking any further action. The absence of information may result in the use of conservative assumptions in risk assessments and risk management decision making.

Submit an SHI using SWIM (see instructions in Section 17 of this document). If you meet the reporting criteria for some substances but do not meet the criteria for other substances, you

should submit an SHI separately from your s.71 submission for the substances for which the criteria are not met.

When providing information through an SHI, please indicate if any of the information is confidential and provide a rationale.

## 16. Providing a declaration of non-engagement

If you have no involvement with any reportable substances and have no commercial interest, you may send a Declaration of Non-Engagement (DNE) in writing to substances@ec.gc.ca.

Indicate in the subject line of the email "s71 CMP 2023 Notice DNE" and specify your company name and its contact information by completing the following template:

To whom it may concern,
[Company Name] is hereby submitting a Declaration of Non-Engagement in response to the *Notice with respect to certain substances under the Chemicals Management Plan – 2023.*

Canadian head office street address:
Federal Business Number:
Contact name:
Title of contact:
Telephone number:
Email address:

## 17. Submitting via the SWIM online reporting system

To create and manage an Environment and Climate Change Canada Single Window account and/or to submit to the Chemicals Management Plan, refer to the guides and instructions below:

How to use Single Window: guidance - Canada.ca

Single Window for Online CEPA section 71 notice Submissions

Submitting via the Single Window "Chemicals Management – General" Initiative

1. Fill in the "Identification" page and click "Save".
2. On the " Information to Report Page " page
    - Choose your "Submission Purpose" = "**s.71 CMP 2023 "** or "**SHI CMP 2023**"
    - Enter the "Submission Title" = "**Notice 2023**", and then click "Save".

    **Note:** Do not add substances.

3. On the "General Document Upload" page, click "Add Document" and upload your documents:
    a. **For a section 71 response:** Prior to uploading your completed Excel Reporting File, ensure that your file is saved using the file name format: "**ORGANIZATION NAME s71 CMP 2023 ERF.xlsx ".** The ORGANIZATION NAME should be identical to the "Business legal name" entered in the ERF and to the "Company Name" listed on the Identification page of CMP's Chemicals Management - General initiative in Environment and Climate Change Canada's Single Window.

b. **For an SHI**: under the “Notes” box, indicate the substance identifier(s) from the notice and provide any relevant documents.

**Note**: If you indicated any information was confidential business information, click the lock symbol beside the "File Name". Click “Add Document” again to upload any other documents, such as unpublished studies or data, and click the lock symbol to indicate CBI as necessary. If a file exceeds 100 MB please contact the Substances Management Information Line.

4. Do not complete the “Confidentiality Justification” on the "General Document Upload page". Information entered in this section will not override the confidentiality responses provided in the Excel reporting file.
5. Click "Save" at the bottom of the "General Document Upload" page.
6. When the final page of the form is completed, a “Submit” option will appear in the left-hand menu. Alternatively, you can return to the "Chemical Management Plan Dashboard" by clicking on "Home" at the top left of the page. Find the report you would like to submit in the Search Results and select "Submit" under "Actions".
7. Complete the declaration steps and click the “Submit” button.

   **Note:** The status on the CMP "Reporting Dashboard" of a successfully submitted form will be "Submitted". You will receive a "Confirmation of submission" email to acknowledge receipt. We strongly recommend that you retain a copy of all documents that you submit.

**Tip:** You can save the CM-General form at any stage in the process and return later to complete and submit. Additionally, it is possible to amend a CM-General form once submitted.

# 18. Extensions

Requests for additional time to respond to this notice must be submitted in writing to substances@ec.gc.ca and must include:

- the organization name;
- contact information;
- CAS RN of substances involved; and
- the reason for the request.

You must request an extension of time in writing before the reporting deadline. A request for an extension of time received after the deadline will not be granted. It is recommended that any request for an extension be submitted at least five business days before the deadline. Indicate in the subject line of your email “s71 CMP 2023 Notice Extension Request”.

# 19. Questions?

You may contact the Substances Management Information Line for any questions concerning the notice:

Phone: 1-800-567-1999 (toll-free in Canada), 819-938-3232 (outside of Canada)
Email: substances@ec.gc.ca.
If using email, please indicate “s71 CMP 2023 Notice Inquiry” in the subject line.

# Glossary

**Commercial use** refers to the use of a substance or a good containing a substance, by a commercial enterprise providing saleable goods or services.

**Consumer use** refers to the use of a substance that is directly, or as part of a good, sold to or made available to consumers for their use in or around a permanent or temporary household or residence, a school, or a recreational area.

**ERF** means the Excel Reporting File used for responding to the notice.

**Good** refers to a mixture, a product or a manufactured item.

**Import** means the movement into Canada from another country of any reportable substance, whether alone, in a mixture, in a product or in a manufactured item.

**Intended to be used by or for children** refers to a good intended for use by or for children 14 years of age or younger.

**Manufacture** means the creation or production of the substance itself and includes both the intentional and the incidental production of the substance.

**Manufactured item** means an item that is formed into a specific physical shape or design during manufacture and has, for its final use, a function or functions dependent in whole or in part on its shape or design.

**Mixture** means a combination of substances and does not itself produce a substance that is different from the substances that were combined, including, but not limited to, a prepared formulation, hydrate, and reaction mixture that are characterized in terms of their constituents; and homogenous and heterogeneous alloys.

**Not reasonably accessible** certain data elements requested in this notice may be considered not reasonably accessible (NRA) if your company is not in the possession of these AND reasonable efforts to obtain information did not yield the necessary information.

**Product** excludes “mixture” and “manufactured item”.

**Single Window Information Manager (SWIM)** is Environment and Climate Change Canada's system that integrates data collected through provincial and federal programs into one streamlined system.  All data collected in SWIM is protected and only shared with the program that collects it.

**Substance** refers to any substance listed in Schedule 1 to this notice.

**Use in the manufacture of a good** means using a reportable substance, whether alone, in a mixture or in a product, to manufacture (i.e., to create, to make) another mixture, product or manufactured item. This includes when the reportable substance is used in the manufacture of a mixture, product or manufactured item and either does or does not end up in the mixture, product or manufactured item.