



Permit – Technical or Economic Non-Feasibility application form

As written in subsection 18(1) of the *Volatile Organic Compound Concentration Limits for Certain Products Regulations* (the regulations), you may apply for a Permit – Technical or Economic Non-Feasibility if:

- a) your company manufactures or imports a product that meets the definition in column 1 of the table to Schedule 1 of the regulations and your product's concentration limits is higher than what is set out in column 3 of the table to Schedule 1, or
- b) your company manufactures or imports a product that meets a definition in column 1 of the table to Schedule 2 of the regulations and your product's emission potential is higher than what is set out in column 2 of the table to Schedule 2, and
- c) it is not technically or economically feasible for your company to meet the regulated concentration limit or emission potential, as the case may be on January 1, 2024 (or 2025 for disinfectants).

How to apply:

Use this form to apply for the Permit – Technical and Economic Non-Feasibility. Refer to sections 18 to 20 of the regulations to ensure all necessary information is provided and that you understand your responsibilities as an applicant. As written in subsection 18(3), the Minister may, on receiving the application, require any clarifications that are necessary for the application to be processed.

You must notify Environment and Climate Change Canada in writing of any change to the information provided in this application — other than the quantity of the product that is expected to be manufactured or imported per calendar year — within 30 days after the day on which the change occurs.

Deadline to apply:

You may apply for a Permit – Technical or Economic Non-Feasibility starting January 1, 2023 for approval prior to the start date of the prohibitions on January 1, 2024 and for disinfectants on January 1, 2025.

A Permit – Technical or Economic Non-Feasibility **may be applied for up to two years, with an opportunity to renew for up to two final years.** The renewal must be submitted to Environment and Climate Change Canada (ECCC) at least 90 days before the day on which the permit expires.

Confidentiality:

Under section 313 of the *Canadian Environmental Protection Act, 1999* all persons submitting information to the Minister are entitled to submit a written request that specific information be treated as confidential. Persons submitting such a request should also include the reasons for that request. Under each section of this application, you may request information be treated as



confidential. You have been given space to provide your explanation. If you need more space, please attach added documents.

To promote transparency, ECCC will publish a list of permits issued, including the company name, product names, and expiry date on the [Alternative Compliance Options webpage](#).

Where to submit your permit application:

When your application is complete, please submit it either electronically to the email address Produits-Products@ec.gc.ca with the subject "Permit Application – Technical or Economic Non-Feasibility" or by mail to:

Environment and Climate Change Canada
Products Division
351 St. Joseph Boulevard, 9th Floor
Gatineau, Quebec
K1A 0H3

Disclaimer:

Although care has been taken to ensure that this application reflects the requirements of the *Canadian Environmental Protection Act, 1999 (CEPA)* and the *Volatile Organic Compound Concentration Limits for Certain Products Regulations*, the Act and these regulations prevail over the text of this application in case of any discrepancies or inconsistencies. This application does not supersede or modify the Act or these regulations. It is ultimately the responsibility of regulatees to be familiar with the full text and application of these regulations.



Section 1 - Applicant information

Applicant/Company Name

Business Number

Civic Address

Postal Address Same as Civic Address

Telephone Number Fax Number (if applicable)

E-mail Address (if applicable)

Permit Number to be renewed (if applicable)

Section 2 – Authorized representative

Authorized Representative Name

Authorized Representative Title

Address

Same as Section 1

Civic Address

Postal Address Same as Civic Address

Telephone Number Fax Number (if applicable)

E-mail Address (if applicable)



Section 3 – Product information

Common or
Generic Name

Trade Name

Product Category set out in column 1 of Schedule 1 or column 1 of Schedule 2
Choose an item.

If applicable, subcategory set out in column 2 of Schedule 1
Choose an item.

How was the product category determined? **Please provide copies of labels for all products included in the application.** If more space is needed for the listing, extra pages can be used.



Section 4 – Product concentrations and quantities

This product is: Manufactured Imported Both

VOC concentration of product (w/w%)

Or, in the case of a product that belongs to a product category set out in column 1 of Schedule 2, its VOC emission potential

expressed in units

The expected quantity of product to be manufactured and/or imported per calendar year in kilograms, excluding any quantity that is manufactured or imported for export only

Are you requesting confidentiality of information provided in section 4? Yes No

If yes, please indicate what information is to be kept confidential and provide a justification.



Section 5 – Evidence of technical or economical non-feasibility and validity period

Provide:

- evidence that demonstrates that it will not be technically or economically feasible to, by January 1, 2024 and for disinfectants on January 1, 2025 or the day on which your permit is to expire, as the case may be, reduce the product's VOC concentration or VOC emission potential to a level that is less than or equal to the applicable maximum VOC concentration set out in column 3 of the table to Schedule 1 or the applicable maximum VOC emission potential set out in column 2 of Schedule 2.

When evaluating evidence for technical and economic non-feasibility, ECCC reviewers will consider if there are other similar end use products already compliant on the market in Canada. Clear detailed evidence should be provided of the efforts made to develop or identify a compliant product and the challenges that have made that unachievable. Clear financial data would be needed to justify economic non-feasibility and demonstrate significant economic hardship (e.g. bankruptcy, non-profitable reformulated product). Applicants that have not made timely efforts to reach compliance will not be granted permits.

Provide all information in the section provided below and/or attach it to the application you believe is pertinent and would allow ECCC to determine if a permit can be issued or renewed.



Provide:

- the requested validity period for the permit, up to a maximum of two years, beginning when the prohibitions coming into force on January 1, 2024 and for disinfectants on January 1, 2025 or the day on which your permit is to expire, as the case may be.

Are you requesting confidentiality of information provided in section 5? Yes No

If yes, please indicate what information is to be kept confidential and provide a justification.



Section 6 - Plan to reduce volatile organic compound concentration

Provide:

- a plan describing the measures that will be taken to reduce the product's VOC concentration or VOC emission potential, as the case may be, to a level that is less than or equal to the applicable maximum VOC concentration set out in column 3 of the table to Schedule 1 or the applicable maximum VOC emission potential set out in column 2 of Schedule 2.

When evaluating the plan, ECCC reviewers will consider if the applicant has taken timely action to move towards compliance. The applicant should provide detailed information on the actions that will be taken to bring the product into compliance and confirm that compliance can be achieved within the timeline requested for the permit. Information that could be included in a plan are, but not limited to, research and development to bring the product into compliance, a plan to change formulations, phasing out the product in question or other pertinent information that shows the measures being taken to reduce the VOC concentration of the product.

Provide all information in the section provided below and/or attach it to the application you believe is pertinent and would allow ECCC to determine if a permit can be issued or renewed.



Provide:

- a statement of the period within which the plan is to be implemented, up to a maximum of two years.

Are you requesting confidentiality of information provided in section 6? Yes No

If yes, please indicate what information is to be kept confidential and provide a justification.



Section 7: Explanation of reasons (for permit renewal only)

Provide ECCC with an explanation of the reasons why the plan submitted in the initial permit application was not implemented within the period identified in that initial application.

Provide all information in the section provided below and/or attach it to the application you believe is pertinent and would allow ECCC to determine if a permit can be renewed.



Are you requesting confidentiality of information provided in section 7? Yes No

If yes, please indicate what information is to be kept confidential and provide a justification.



Attestation

I _____ certify that the information within this document is accurate and complete at the time of submission

Signature _____

Date