



Environment and
Climate Change Canada

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Guidance for responding to the *Notice with respect to asbestos*

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This document provides guidance for responding to the *Notice with respect to asbestos* (the Notice) published in the *Canada Gazette*, Part I, on **December 17, 2016**, pursuant to paragraph 71(1)(b) of the *Canadian Environmental Protection Act, 1999* (the Act). In case of discrepancy between this document and the Notice or the Act, the official versions of the Notice and the Act take precedence.

1. Overview

1.1. Purpose of the Notice

Asbestos is the common name for six naturally occurring minerals (chrysotile, amosite, crocidolite, anthophyllite, tremolite and actinolite). Asbestos has been reviewed by the World Health Organization's International Agency for Research on Cancer and has been declared human carcinogen. The health risks of asbestos are well established, breathing in asbestos fibres can cause cancer and other diseases, such as asbestosis, mesothelioma and lung cancer.

Asbestos is on the *List of Toxic Substances* in Schedule 1 of the *Canadian Environmental Protection Act, 1999* (CEPA). This listing covers all six types of asbestos (chrysotile, amosite, crocidolite, anthophyllite, tremolite and actinolite).

Historically, industry, construction and commercial sectors have used, and, in some cases, continue to use, asbestos in products like, cement and plaster, industrial furnaces and heating systems, building insulation, floor and ceiling tiles, house siding, car and truck brake pads, and vehicle transmission components, such as clutches. 2015 data from Statistics Canada indicated that Canada continues to import products containing asbestos, primarily for replacement brake pads in vehicles and for construction materials such as cement pipes.

In Canada, asbestos is currently managed through various regulations. The manufacture, importation, advertisement or sale of consumer products made of pure asbestos and certain high risk consumer products that are composed of or contain asbestos fibres are prohibited or strictly regulated under the *Asbestos Product Regulations*, established under the *Canada Consumer Product Safety Act*. The *Asbestos Mines and Mills Release Regulations* under CEPA were established to limit the concentration of asbestos fibres in gases emitted into the ambient air at asbestos mines or mills resulting from crushing, drying, or milling operations. Crocidolite asbestos is listed in Part 2 of the Export Control List (Schedule 3 to CEPA) and its export is controlled through the *Export of Substances on the Export Control List Regulations* under CEPA.

To further support the commitment to manage asbestos in Canada, the Government is initiating the development of additional regulatory measure for asbestos under CEPA to further protect the health of Canadians. To ensure that future decision making is based on the best available information, the section 71 Notice will gather information on the

manufacture, import, export and use of asbestos and products containing asbestos for the 2013, 2014 and 2015 calendar years. It will also gather socio-economic information from companies, including the size of companies involved (number of employees and revenue), the availability of alternatives to asbestos and whether a phase out strategy is in place or in consideration. This socio-economic information will help inform the cost-benefit analysis of any future regulatory instrument.

Following the section 71 Notice, a consultation document will be developed to provide detailed information on the proposed regulations and solicit feedback. Subsequently, the proposed regulations will be published in *Canada Gazette*, Part I for a 75-day public comment period.

An electronic copy of the Notice is available at the following Web site: www.chemicalsubstanceschimiques.gc.ca.

1.2. Reportable substance – Schedule 1 of the Notice

Schedule 1 of the Notice identifies the reportable substances as asbestos, as well as the six types of asbestos. CAS RN 1332-21-4 (Asbestos) is included on the Domestic Substances List.

The substances subject to the notice are:

CAS RN ¹	Name of the substance	Common Name	Formula
12001-28-4	Crocidolite asbestos	Crocidolite asbestos	$\text{Na}_2\text{Fe}^{2+}_3\text{Fe}^{3+}_2\text{Si}_8\text{O}_{22}(\text{OH})_2$
12001-29-5	Chrysotile asbestos	Chrysotile asbestos	$\text{Mg}_3(\text{Si}_2\text{O}_5)(\text{OH})_4$
12172-73-5	Amosite asbestos	Brown asbestos	$\text{Fe}_7\text{Si}_8\text{O}_{22}(\text{OH})_2$
77536-66-4	Actinolite asbestos	Actinolite asbestos	$\text{Ca}_2(\text{Mg}, \text{Fe})_5(\text{Si}_8\text{O}_{22})(\text{OH})_2$
77536-67-5	Anthophyllite asbestos	Anthophyllite asbestos	$(\text{Mg}, \text{Fe})_7\text{Si}_8\text{O}_{22}(\text{OH})_2$
77536-68-6	Tremolite asbestos	Tremolite asbestos	$\text{Ca}_2\text{Mg}_5\text{Si}_8\text{O}_{22}(\text{OH})_2$
1332-21-4	Asbestos	-	-

Note: Where a dash '-' appears in the table it indicates that the section identified is not applicable

¹ CAS RN: Chemical Abstracts Service Registry Number. The Chemical Abstracts Service information is the property of the American Chemical Society and any use or redistribution, except as required in supporting regulatory requirements and/or for reports to the Government of Canada when the information and the reports are required by law or administrative policy, is not permitted without the prior, written permission of the American Chemical Society.

For the purpose of the Notice, as well as this guidance document, use of the term “asbestos” includes all substances listed in Schedule 1 of the Notice.

With respect to reporting, you are asked to identify the specific type of asbestos that is manufactured, imported, exported and used if possible. When the exact type of asbestos is unknown, identifying the substance as CAS RN 1332-21-4 is permitted.

2. To whom the Notice applies – Schedule 2 of the Notice

2.1. Reporting criteria

To determine whether a company is required to respond, the following factors must be considered:

- Substance
- Type of activity
- Calendar year
- Quantity
- Concentration

The Notice applies to any person who, during any calendar year from 2013 to 2015, met any of the following criteria:

- **Manufactured** a total quantity greater than 5 kg of one or more of the substances set out in Schedule 1
- **Imported** a total quantity greater than 5 kg of one or more of the substances set out in Schedule 1, whether the substance(s) was/were imported alone, or at a concentration greater than 0.1% in a mixture, a product or a manufactured item.
- **Exported** a total quantity greater than 5 kg of one or more of the substances set out in Schedule 1, whether the substance(s) was/were exported alone, or at a concentration greater than 0.1% in a mixture, a product or a manufactured item.
- **Used** a total quantity greater than 5 kg of one or more of the substances set out in Schedule 1, whether the substance(s) was/were used alone, or at a concentration greater than 0.1% in a mixture, a product or a manufactured item to manufacture a mixture, a product, or a manufactured item.

Of note, when reporting on a substance present in a mixture, a product, or a manufactured item, the reporting threshold of 5 kg refers to the **quantity of the substance itself**, and not the quantity of the mixture, product, or manufactured item containing the substance. In addition, the reporting threshold of 5 kg is a cumulative total from one substance or more substances listed in the Notice.

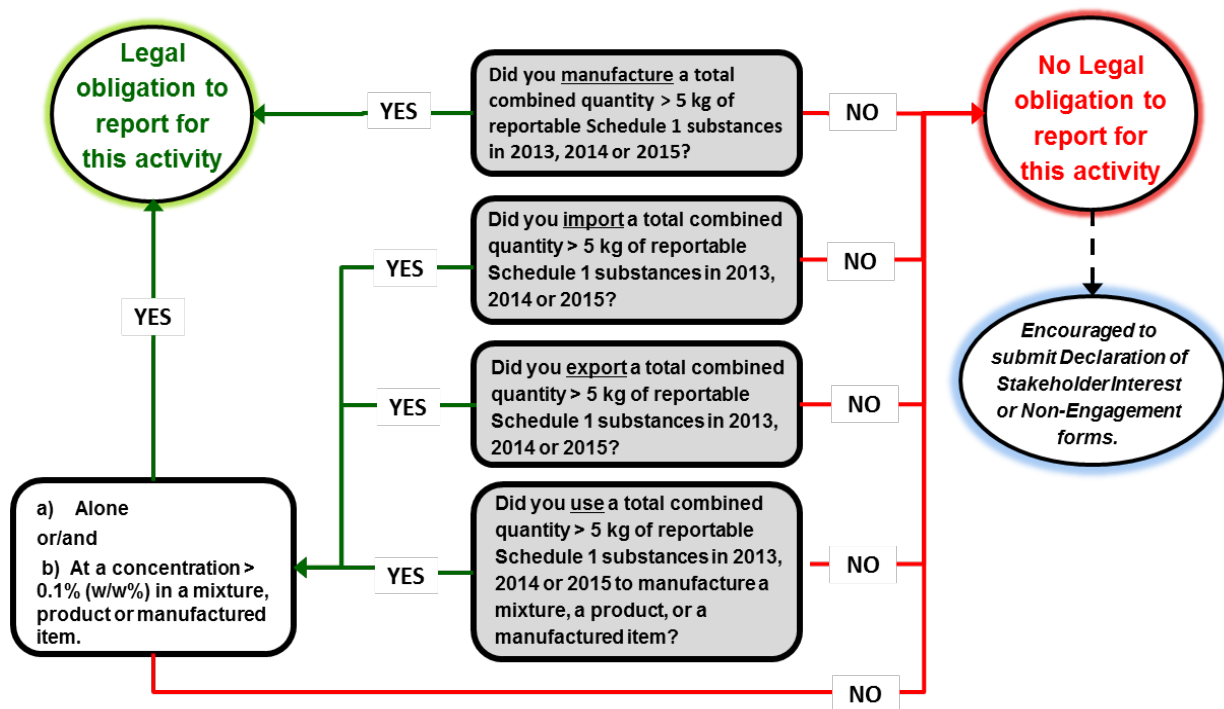
2.2. Exclusions

When a substance listed in Schedule 1, whether alone, in a mixture, in a product, or in a manufactured item is in transit through Canada only, a response to the Notice is not required.

2.3. Flowchart

The following flowchart can be used to determine whether a company is required to respond to the Notice:

Figure 1: Reporting Diagram



Note: Companies must consider each activity separately

Examples of how to determine whether the reporting criteria are met

The following are examples of how to determine whether the reporting criteria of the Notice are met:

Company **meets** the reporting criteria if:

- In 2013, your company imported 100 kg of a product that contains 50% asbestos. In this case, the total quantity of asbestos imported is 50 kg. Since your company meets all five aspects of the reporting criteria, i.e., for substance (asbestos), for type of activity (import), for calendar year (2013), for quantity (50 kg) and for concentration (50%), you are obligated to report.
- In 2014, if your company imported 40 kg of a mixture that contains 10% of CAS RN 1332-21-4 and 10 kg of a product that contains 20% of CAS RN 77536-67-5. In this case, the total quantity of asbestos imported is 6 kg. Since your company meets all five aspects of the reporting criteria, i.e., for substance (asbestos), for type of activity (import), for calendar year (2014), for quantity (6 kg) and for concentration (10-20%), you are obligated to report.
- In 2015, your company manufactured 3 kg of CAS RN 12001-29-5, 2 kg of CAS RN 77536-66-4 and 1 kg of CAS RN 12172-73-5. In this case, the total quantity of asbestos manufactured is 6 kg of asbestos. Since your company meets all four aspects of the reporting criteria for manufacturing, i.e., for substance (asbestos), for type of activity (manufacture), for calendar year (2015), for quantity (6 kg), you are obligated to report.

Company **does not meet** the reporting criteria if:

- Your company imported greater than 10 kg of a reportable substance in a product at a concentration greater than or equal to 0.1% during the **2012 calendar year** only. In this case, the reporting criterion of calendar year is not met.
- In 2014, your company imported greater than 1 000 kg of a product containing asbestos at a **concentration less than 0.1%**. In this case, the concentration threshold of greater than 0.1% is not met.
- In 2014, your company **used a total quantity of 4 kg** of asbestos. In this case, the quantity threshold of greater than 5 kg **is not met**.

2.4. Do I manufacture?

Manufacture relates to the creation or production of the **substance itself**, including the intentional production of the substance, as well its incidental production.

Asbestos is considered to be “manufactured” when it is extracted from its natural source. Incidental production of asbestos may occur when asbestos is incidentally extracted as a result of another extraction process (e.g. during the mining of another substance).

Example 1: You extracted a mixture of waste and ore from the ground and separated substance G from the mixture. You manufactured substance G.

It is important to note that for the purpose of the Notice, making of a mixture, product or manufactured item containing asbestos is **not** considered “manufacture”. In this case, the activity is considered use, i.e. asbestos (whether alone, or in a mixture, a product or a manufactured item) is being used to make a mixture, a product, or a manufactured

item. See Section 2.7 of this document for more information on the reporting requirements for users.

2.5. Do I import?

Import relates specifically to the movement of any substance identified in the Notice into Canada from another country, whether the substance is imported alone, or at a concentration greater than 0.1% in a mixture, a product or a manufactured item.

Possible situations where **you are considered** to import include:

- You purchased asbestos from a foreign supplier, which was shipped directly from the foreign supplier to your location in Canada.
- You ordered a mixture containing asbestos from a foreign source, and the mixture was shipped directly from the foreign source to a distribution warehouse in Canada, on your request.
- You received a product containing asbestos as an internal company transfer from a location outside of Canada.
- You purchased a manufactured item that contains asbestos from a foreign source, and the manufactured item was shipped directly from the foreign source to your location in Canada.

Your activities **do not** meet the definition of import if you purchased or received asbestos alone, or in a mixture, a product or a manufactured item that was already located in Canada.

For the purposes of the Notice, possible situations where **you are NOT considered** to import asbestos include, but are not limited to, the following examples:

- You purchased a manufactured item containing asbestos from a Canadian company
- You ordered a product containing asbestos from a warehouse located in Canada
- You transferred a mixture containing asbestos across provincial borders to be stored in a different warehouse

2.6. Do I export?

Export relates specifically to the movement out of Canada to another country. Export is a reportable activity under the Notice.

2.7. Do I use?

Use relates specifically to the use of asbestos alone, or in a mixture, a product or a manufactured item in the manufacture (i.e. to create or produce) of a mixture, a product or a manufactured item.

Possible situations where **you are considered** to use include, but are not limited to:

- You blend asbestos with other components to make Mixture Z.
- You repackage a mixture that contains asbestos at a concentration greater than 0.1% to make a product.

Possible situations where you **are NOT considered** to use include:

- You load a product containing asbestos onto a carrier and ship the substance to three other companies in Canada.
- You purchase a mixture which contains asbestos from your supplier in Canada, and distribute the mixture to your customers in Canada.

2.8. Mixtures

A **mixture** is a combination of substances that does **not** produce a substance that is different from the substances that were combined (i.e., does not result in the formation of a new substance with its own CAS RN). For the purposes of the Notice, mixtures include, but are not limited to:

- prepared formulations
- reaction mixtures that are characterized in terms of their constituents

2.9. Products

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

For the purpose of the Notice, products that **may contain asbestos** include, but are not limited to, the following examples:

- Drywall and joint compound
- Texture coats
- Cement
- Plaster
- Caulk
- Flooring adhesives
- Roofing tiles and felts
- Acoustic ceiling sprays and paints
- Drilling fluid additives
- Fire-retardant textile fibre
- Fireproofing products

2.10. Manufactured items

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 purpose of the notice, all manufactured items containing asbestos are reportable if they meet the criteria set out in Schedule 2.

For the purpose of the Notice, manufactured items that **may contain asbestos** include, but are not limited to:

- Vinyl floor tiles and sheeting
- Shingles and siding
- Asbestos-cement items, including panels and boards, countertops, pipes, furnace flues, roof shingles, siding, soffit and fascia panels, wallboard, laboratory fume hood panels, ceiling tiles, landscape edging
- Fire-resistant gloves and fireproof clothing
- Fire blankets
- Curtains
- Indoor fire doors
- Thermal pipe insulation
- Filters
- HVAC flexible duct connectors
- Brake pads

3. Information required

The type of information requested in the Notice includes:

- CAS RN and name of the substance
- Quantity of the substance manufactured, imported, exported, or used during the most recent calendar year from 2013, 2014, and 2015
- For the 2015 calendar year only:
 - (i) Consumer and commercial codes
 - (ii) the description and the common or generic name of the substance or the known or anticipated final mixture, product or manufactured item containing the substance
 - (iii) Quantity of the substance manufactured, imported, exported, or used by consumer and commercial code
 - (iv) Concentration of asbestos by weight in mixture(s), product(s) or manufactured items imported, exported or used
- Information on the company supplying the asbestos, whether the substance is obtained alone, in a mixture, a product, or a manufactured item
- Information on the company manufacturing, importing, exporting or using asbestos, including any phase out or substitution information

3.1. Quantities

Within the Notice, it is necessary to report the total quantities of substances listed that were manufactured, imported, exported, or used during the most recent calendar year from 2013 to 2015.

It is also necessary to report the total quantity of substance manufactured, imported, exported or used per consumer and commercial code reported for 2015, if you meet the reporting requirements for the 2015 calendar year. See section 3.2 for more information on consumer and commercial codes.

All quantities should be reported **in kilograms (kg), rounded to two significant digits**. For example:

- 6 should be reported as 6.0
- 831.29 should be reported as 830
- 541 231 should be reported as 540 000

Please note that the quantities reported in the Notice must be for the **asbestos itself** and not the quantity of the mixture, product or manufactured item containing the asbestos.

3.2. Consumer and commercial codes

Consumer and commercial codes are an accepted list of codes used to describe the use of a substance in a consistent manner. Consumer and commercial codes were developed jointly among the United States Environmental Protection Agency, Health Canada and Environment and Climate Change Canada in order to facilitate the exchange of information between the United States and Canada and to encourage consistency in reporting on chemical substances by industry.

Consumer and Commercial Codes are used to identify the application of the mixture, product or manufactured item containing a substance with regards to its purpose in a consumer (end application) or commercial setting (i.e. the anticipated application of the substance, item or product).

- Consumer and commercial codes begin with the letter **C**, followed by three numbers. Some codes may also include a decimal followed by two numbers.
- Refer first to the group descriptions to determine which subset of codes would be most applicable to your substance.

It is important to note that number 999 is reserved for the “Other” code in consumer and commercial codes (**C999**). **This code should only be used when there is no existing code match for the consumer and commercial application of the mixture, product or manufactured item.** When selecting this code, a written description of the

application of the final mixture, product or manufactured item containing the substance must be provided, and the description should be as concise as possible.

If a mixture, product or manufactured item has more than one application, you should report the applicable code that fits best. For each code selected, additional information to describe your application with the substance in more detail, can be provided in the “Notes” field of the online reporting form.

3.2.1. Code numbering system for consumer and commercial codes

All codes consist of one letter followed by a three-digit number. A basic structure of [Type][Group #][Subgroup #] is applied to all codes where:

[Type] is expressed by the letter “C” for consumer and commercial use.

[Group #] is a one-digit number to indicate a grouping of chemical substances or products having similar uses. Consumer and commercial codes use six different group numbers (groups 1 – 5 and group 9).

[Subgroup #] is a two-digit number to indicate a specific use (within each group for consumer and commercial codes).

Please refer to the **code names and descriptions** below to determine if any of the pre-set codes applies to your mixture or product containing asbestos. Wording in the description (but not in the title of the code) may identify the use of the mixture or product.

In this Notice code C204 has been further divided into ‘sub-codes’ with additional two digits. The intent is to obtain more detailed information regarding consumer and commercial activities related to this code. When responding to the Notice for codes that have sub-codes please use the sub-code number that best describes the activity.

Example 1:

If the substance is contained in a...	Example commercial and consumer codes
Cement pipe and sheet	C204.01- Substances contained in cement pipes and sheets, including insulating boards, transit, and panels.
Brake pad	C462 - Substances contained in automobiles, aircraft and other types of transportation, or used in their manufacture.

3.2.2. Consumer and Commercial Codes and Corresponding Descriptions

Table 1: Furnishings, cleaning, treatment or care

Consumer and Commercial Codes	Title	Description
C101	Floor coverings	<p>Substances contained in floor coverings. This code does not include wood and pressed wood flooring products included in Building/Construction Materials – Wood and Engineered Wood code.</p> <p>Examples: carpet, rugs, vinyl, linoleum, laminate, tile, and stone products.</p>
C102	Foam seating and bedding	<p>Substances contained in foam mattresses, pillows, cushions, and any seating, furniture and furnishings containing foam.</p> <p>Examples: sofas and chairs for residential/office use, automobile and truck seats, airplane seats, and mattress pads.</p>
C103	Furniture and furnishings not otherwise covered in this table	<p>Substances contained in furniture and furnishings made from metal, wood, leather, plastic or other materials. This code does not include foam seating and bedding products.</p> <p>Examples: movable and installed furniture such as tables, chairs, benches, desks, cabinets, shelving, stools, television stands, display cases, book cases, and storage units.</p>
C104	Fabric, textile and leather articles not otherwise covered in this table	<p>Substances contained in fabric, textile and leather products to impart color and other desirable properties such as water, soil, stain repellence, wrinkle resistance, or flame resistance.</p> <p>Examples: apparel (outerwear, sportswear, and sleepwear), footwear (sandals and athletic shoes), window treatments (curtains and blinds), table linens (table coverings, place mats, and cloth napkins), bed linens (sheets, pillow cases/coverings, and blankets, bed coverings), bath linens (towels, wash cloths, bath mats) and fabric, textile and leather products that are not covered elsewhere.</p>

Consumer and Commercial Codes	Title	Description
C105	Cleaning and furnishing care	<p>Substances contained in products, mixtures or manufactured items that are used to remove dirt, grease, stains, and foreign matter from furniture and furnishings, or to cleanse, sanitize, bleach, scour, polish, protect, or improve the appearance of surfaces. This code does not include laundry and dish washing products.</p> <p>Examples: cleaners used on glass, floors, tub and tile, ovens and drains; scouring powders; dusting products; waxes; polishes; and stain repellent sprays.</p>
C106	Laundry and dishwashing	<p>Substances contained in laundry and dishwashing products, mixtures or manufactured items.</p> <p>Examples: detergents, fabric softeners, pre-soaks and prewashes to remove soil and stains, dryer sheets, bleach, rinse aids, and film, lime and rust removers.</p>
C107	Water treatment	<p>Substances contained in water treatment products, mixtures or manufactured items that are designed to disinfect, reduce contaminants or other undesirable constituents, and condition or improve aesthetics of water. Excludes any substance contained in pest control products as defined under the Pest Control Products Act.</p> <p>Examples: pH adjusters, filter media, water treatment tablets/drops, and point of use/point of entry ion exchangers.</p>
C108	Personal care and Cosmetics	<p>Substances contained in personal care products, mixtures or manufactured items that are used for cleansing, grooming, improving or altering skin, hair, or teeth.</p> <p>Examples: bath and shower products; make-up products; hair, nail, oral and skin care products; sunscreen and suntan products; deodorants; and perfumes.</p>
C109	Air care	<p>Substances contained in products, mixtures or manufactured items that are used to odorize or deodorize indoor air in homes, offices, motor vehicles, and other enclosed spaces.</p> <p>Examples: aerosol sprays, liquid/solid/gel diffusers, air fresheners, scented candles and incense.</p>

Consumer and Commercial Codes	Title	Description
C110	Apparel and footwear care	<p>Substances contained in apparel and footwear care products, mixtures or manufactured items that are applied post-market.</p> <p>Examples: footwear polishes/waxes, garment waterproofing sprays, and stain repellents.</p>
C160	Pet care	<p>Substances contained in pet care products, mixtures or manufactured items that are used for cleansing, grooming, improving or altering skin, hair or teeth and intended for animal use.</p> <p>Examples: bath products, hair product and oral care products.</p>

Table 2: Construction, paint, electrical or metal

Consumer and Commercial Codes	Title	Description
C201	Adhesives and sealants	<p>Substances contained in adhesive or sealant products or mixtures used to fasten other materials together or prevent the passage of liquid or gas.</p> <p>Examples: glues, binders, adhesives, pastes, sealants, fillers, putties, and caulking compounds.</p>
C202	Paints and coatings	<p>Substances contained in paints or coatings.</p> <p>Examples: interior and exterior architectural and marine paints, bridge/iron coatings, varnishes, lacquers, paint thinners, removers, wood stains</p>
C203	Building or construction materials — Wood and engineered wood	<p>Substances contained in building and construction materials made of wood and pressed or engineered wood products, mixtures or manufactured items.</p> <p>Examples: lumber, posts and timbers, exterior siding, molding, mill work, cabinetry, paneling, veneer, flooring, stair parts, plywood and sheathing, railings and decking.</p>
C204.01	Cement pipes and sheets	Substances contained in cement pipes and sheets, including insulating boards, transit, and panels.
C204.02	Drywall and	Substances contained in drywall sheets; taping

Consumer and Commercial Codes	Title	Description
	joint compound; plaster; Mud and texture coats	compound; and drywall mud.
C204.03	Roofing tiles and felts	Substances contained in roofing tiles and felts.
C204.04	Sheeting, siding and shingle	Substances contained in sheeting, siding, and shingles.
C204.05	Acoustic ceilings	Substances contained in acoustic ceilings and tiles.
C204.06	Thermal pipe insulation; mechanical insulation	Substances contained in materials that provide thermal insulation.
C204.07	Fireproofing	Substances contained in materials used for rendering them proof against fire, or incombustible.
C204.08	Building or construction materials not otherwise covered in this table	Substances contained in building and construction materials not otherwise covered in this table.
C205	Electrical and electronics	<p>Substances contained in electrical and electronic products, mixtures or manufactured items.</p> <p>Examples: computers, office equipment, appliances, electric lighting, electrical wire and cables, radios, televisions and monitors, telephones, multi-media devices, digital cameras, adapters, alarms (burglar, fire, smoke), and communication equipment.</p>
C206	Metal materials not otherwise covered in this table	<p>Substances contained in metal products, mixtures or manufactured items not otherwise covered in this table.</p> <p>Examples: metal products produced by forging, stamping, plating, turning, and other processes; hand tools; metal tubing/pipes/duct work; wire fencing; tableware; and small appliances and cookware (frying pan, waffle iron, electric kettle).</p>
C207	Batteries	Substances contained in non-rechargeable and

Consumer and Commercial Codes	Title	Description
		<p>rechargeable batteries including dry and wet cell units that store energy.</p> <p>Examples: zinc carbon, alkaline, lead-acid, lithium-ion, nickel-metal hydride, and other batteries used in electrical and electronic products, cell phones, computers, remote controls, toys, and cars.</p>

Table 3: Packaging, paper, plastic or hobby

Consumer and Commercial Codes	Title	Description
C301	Food packaging	<p>Substances contained in single or multi-layered packaging consisting of paper, plastic, metal, foil or other materials which have or may have direct contact with food.</p> <p>Examples: containers, cartons, wrappers, bags, and other food packaging items (bottles, cans, boxes and trays).</p>
C302	Paper products, mixtures or manufactured items	<p>Substances contained in paper products, mixtures or manufactured items. This code does not include paper used in food packaging.</p> <p>Examples: newsprint coated and uncoated papers for writing, printing and photocopying; facial and toilet tissue, paper napkins, paper tablets/notepads, paper forms, envelopes, texts and published materials (books and magazines); file folders; wrapping papers; and specialty papers.</p>
C303	Plastic and rubber materials not otherwise covered in this table	<p>Substances contained in rubber and plastic products, mixtures or manufactured items not otherwise covered in this table.</p> <p>Examples: tires, shower curtains, non-metal cookware (non-electric), non-food specific containers (bags, bottles, and jars), rubber bands, and waders.</p>
C304	Toys, playground and sporting equipment	<p>Substances contained in toys, playground, and sporting equipment made of wood, metal, plastic or fabric.</p> <p>Examples: toys (dolls, cars, puzzles, and games),</p>

Consumer and Commercial Codes	Title	Description
		playground equipment (gym sets, playhouses and structures, swing sets) and sporting equipment (bicycles, skates, balls, team sports equipment) intended for indoor or outdoor use, and playground surfaces (rubber, mulch).
C305	Arts, crafts and hobby materials	<p>Substances contained in arts, crafts, and hobby materials.</p> <p>Examples: art/hobby paints and dyes, markers and other writing and drawing materials; natural and synthetic clays used in pottery, ceramics and sculpture; jewelry-making supplies including glass, stone and lapidary materials; stained-glass making supplies; picture framing supplies; and, building and science hobby kits.</p>
C306	Ink, toner and colourants	<p>Substances contained in ink, toners and colourants used for writing, printing, creating an image on paper; and substances contained in other substrates, or applied to substrates to change their colour or hide images. This code does not include pigments or colorants added to paints and coatings which should be reported under the paints and coatings code.</p> <p>Examples: black or colored powders used in copy machines and printers to produce xerographic images; pigmented liquids contained in cartridges, bottles, or other dispensers used for writing or printing; and, correction fluids and tapes.</p>
C307	Photographic supplies, film and photo-chemicals	<p>Substances contained in photographic supplies, film, photo-processing substances, and photographic paper.</p> <p>Examples: processing solutions (for developing, stopping, and fixing photos), slide and negative film, and, glossy and matte photographic paper.</p>

Table 4: Automotive, fuel, agriculture or outdoor use

Consumer and Commercial Codes	Title	Description
C401	Automotive care	Substances contained in products, mixtures or manufactured items used in automotive cleaning and care of exterior and interior vehicle surfaces. This code does

Consumer and Commercial Codes	Title	Description
		<p>not include antifreeze, de-icing products, or lubricants.</p> <p>Examples: car waxes, polishes, cleaners, and sealers; car wash solutions; vinyl/rubber/plastic protectants; automotive carpet and upholstery cleaners; wheel and tire care products; exterior trim protectants; and touch-up paint products.</p>
C402	Lubricants and greases	<p>Substances contained in products, mixtures or manufactured items to reduce friction, heat generation and wear between solid surfaces.</p> <p>Examples: engine oils; transmission, brake and hydraulic fluids; gear oils; and, calcium, sodium, lithium, and silicone-based greases.</p>
C403	Anti-freeze and de-icing	<p>Substances added to fluids to reduce the freezing point of the mixture, or substances applied to surfaces to melt or prevent build-up of ice.</p> <p>Examples: antifreeze liquids, windshield de-icers, aircraft de-icers, lock release agents, ice melting crystals, and rock salt.</p>
C404	Fuels and related products, mixtures or manufactured items	<p>Substances burned to produce heat, light or power, or added to inhibit corrosion, provide lubrication, increase efficiency of use, or decrease production of undesirable by-products.</p> <p>Examples: gasoline, diesel fuels, propane, butane, kerosene, lamp oils, white gas (naphtha), natural gas, stabilizers, anti-knock agents, corrosion inhibitors, detergents, fuel dyes, oxygenates, antioxidants, odor agents, non-scented candles, lighter fluids, and, matches.</p>
C405	Explosive materials	<p>Substances capable of producing a sudden expansion, usually accompanied by the production of heat and large changes in pressure upon ignition.</p> <p>Examples: pyrotechnics, high explosives and propellants, igniter, primer, initiatory, illuminants, smoke and decoy flares, and, incendiaries.</p>
C406	Agricultural products,	Substances used to increase the productivity and quality of plants, animals or forestry crops, produced on a

Consumer and Commercial Codes	Title	Description
	mixtures or manufactured items (non-pesticidal)	<p>commercial scale. Includes animal feed (any substance or mixture of substances for consumption by livestock, providing the nutritional requirements of livestock, or the purpose of preventing or correcting nutritional disorders of livestock, as defined in the Feeds Act and Regulations).</p> <p>Examples: fertilizers, additives (time release agents), colorants (used to mark fields and improve the appearance of Christmas trees), application aids (defoamers and foamers), pH adjusters, moisture retention agents, soil conditioners, seed coatings.</p>
C407	Lawn and garden care	<p>Substances contained in lawn, garden, outdoor or potted plant, and tree care products, mixtures or manufactured items. Excludes any substance contained in pest control products as defined under the Pest Control Products Act.</p> <p>Examples: fertilizers and nutrient mixtures, soil amendments, mulches, pH adjustors, water retention beads, vermiculite, perlite.</p>
C461	Pest control	<p>Substances contained in any product, mixture or manufactured item for directly or indirectly controlling, preventing, destroying, mitigating, attracting, or repelling any pest.</p> <p>Examples: herbicides, insecticides, fungicides, antimicrobial agents, pool chemicals, microbes, material and wood preservatives, animal and insect repellents, and insect- and rodent-controlling devices.</p>
C462	Automotive, aircraft and transportation	Substances contained in automobiles, aircraft and other types of transportation, or used in their manufacture.
C463	Oil and natural gas extraction	<p>Substances that are, or are contained in, any mixtures, products or manufactured items, used for oil and natural gas drilling, extraction and processing.</p> <p>Examples: exploration, hydraulic fracturing and drilling fluids, and oilfield production chemicals.</p>

Table 5: Items for food, health or tobacco

Consumer and Commercial Codes	Title	Description
C562	Food and beverage	<p>Substances contained in food and beverage products, mixtures or manufactured items.</p> <p>Examples: food additives such as colouring agents, anti-caking agents, preservatives, emulsifiers; spices, seasoning, flavouring preparations and natural extractives; unavoidable residues of processing aids specific for food manufacturing such as antifoaming, fining or sanitizing agents.</p>
C563	Drugs	<p>Substances contained in prescription and non-prescription drugs intended for humans or animals.</p> <p>Examples: biologically derived products (such as vaccines, serums and blood derived products), sterilization and sanitation products and radiopharmaceuticals.</p>
C564	Natural health	<p>Substances contained in natural health products, mixtures or manufactured items intended for humans or animals.</p> <p>Examples: homeopathic medicine, traditional medicine, vitamins and minerals, and herbal remedies</p>
C565	Medical devices	<p>Substances contained in products, mixtures or manufactured items used for either the diagnosis, treatment, mitigation or prevention of a disease, disorder, or an abnormal physical state; or those used in restoring, correcting or modifying organic functions in humans or animals. This code excludes products covered under drugs.</p> <p>Examples: any article/instrument used in the prevention, diagnosis and care of pregnancy, medical thermometers, blood sugar meters, pacemakers, and X-ray machines.</p>
C566	Tobacco products, mixtures or manufactured items	<p>Substances contained in products, mixtures or manufactured items composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves.</p> <p>Examples: cigarette papers, tubes and filters, but not any food, drug or device that contains nicotine.</p>

Table 6: Products, mixtures or manufactured items not described by other codes

Consumer and Commercial Codes	Title	Description
C999	Other (specify)	Substances contained in products, mixtures or manufactured items that are not described within any other consumer and commercial code.

3.3. Concentration of asbestos by weight in mixture(s), product(s) or manufactured items

The concentration by weight (%w/w) of asbestos in the mixture(s), product(s) or manufactured items reported is required. You can provide the exact concentration or a range of concentrations.

3.4. Information on your company

Socio-economic information on your company will help support the required Regulatory Impact Analysis Statement (RIAS) that will accompany additional regulations. Information related to the size and gross annual receipts of your company, and whether the use of alternatives or a phase out strategy is in place or in consideration is required. This information will help inform the cost-benefit analysis of any potential risk management measures. See section 4.4 below for more information.

3.5. Information to which you may reasonably be expected to have access

You are required to provide information that your company possesses or to which you may reasonably be expected to have access. For example, when importing a mixture, product or manufactured item you may reasonably be expected to have access to import records and the relevant Safety Data Sheet (SDS). A SDS is an important source of information on the composition of a purchased product. Note that the goal of the SDS is to protect the health of the workers, not the environment. Therefore, a SDS may not list all product ingredients on which the Minister of the Environment is requiring information under the Notice. You may wish to contact your supplier for more detailed information on product composition. Manufacturers would be reasonably expected to have access to their formulations.

Also, a company may have access to information from its parent company regarding substances, mixtures, or products.

You are not required to conduct tests to comply with the Notice.

4. Sections to be completed – Schedule 3 of the Notice

A person must respond to the following section(s) in Schedule 3 of the Notice if they meet the reporting criteria listed in Schedule 2.

Table 7: Applicable sections of Schedule 3 based on reporting year

Year*	Applicable sections of Schedule 3				
	4	5	6	7	8
2013	✓	-	-	✓**	✓
2014	✓	-	-	✓**	✓
2015 • Manufacture	✓	✓	-	✓	✓
2015 • Import, export or use	✓	✓	✓	✓	✓

* Most recent calendar year in which a reportable activity took place

** When reporting year is 2013 or 2014, information for section 7 should be based on 2015 calendar year information

Note: Where a dash ‘-’ appears in the table it indicates that a response is not required for that section

Any person who **manufactured, imported, exported or used** asbestos during the 2013, 2014 and/or 2015 calendar years who meets the reporting requirements outlined in Schedule 2 are asked to provide contact information including organization name, contact name, address, telephone number, email and federal business number (see Section 3 of Schedule 3).

If you are a company who owns more than one facility, then you must respond to the Notice for all facilities on a **company-wide basis**. Your response for each applicable question in the Notice should be an amalgamated response to include information from **all facilities** owned by the company.

4.1. Section 4

Any person who **manufactured, imported, exported or used** asbestos during any calendar year from 2013 to 2015 who meets the reporting requirements outlined in Schedule 2, shall provide the following information for the most recent calendar year in which the activity took place:

- (a), the year in which the activity occurred.
- (b), the CAS RN of the substance manufactured, imported, exported or used
- (c), the quantity of asbestos manufactured, imported, exported or used, reported in kilograms (rounded to 2 significant digits).

- Important to note that the quantity refers to the **quantity of asbestos itself**, and not the quantity of the mixture, product, or manufactured item containing asbestos.

Example 2:

In 2014, you imported a product containing asbestos and used it to manufacture a manufactured item. You did not have activity with any reportable substance in 2013, or in 2015.

Required information	Response
Year in which the activity occurred	2014
CAS RN	12001-28-4
Quantity of substance manufactured	0
Quantity of substance imported	500 kg
Quantity of substance exported	0
Quantity of substance used	300 kg

Example 3:

In 2014, you imported a mixture containing asbestos at a concentration of 5%. The total quantity of asbestos in the mixture is 100 kg. In 2015, you used 75% of the mixture to make a product, that is, you used 75 kg of asbestos. While you meet the reporting requirements for import in 2014 and for use in 2015, you are only required to report for 2015 since that is the most recent calendar year in which a reportable activity took place.

Required information	Response
Year in which the activity occurred	2015
CAS RN	77536-67-5

Quantity of substance manufactured	0
Quantity of substance imported	0
Quantity of substance exported	0
Quantity of substance used	75 kg

4.2. Section 5

Any person who **manufactured, imported, exported or used** asbestos during the 2015 calendar year who meets the reporting requirements outlined in Schedule 2, shall provide the following information:

- (a) CAS RN of asbestos manufactured, imported, exported or used
- (b) each consumer and commercial code(s) that describes the known or anticipated final goods containing asbestos
 - Choose the consumer and commercial code(s) that are consistent with the most complete and accurate information available to you.
 - If none of the consumer and commercial codes provided apply, then code C999 should be used. A written description of the known or anticipated final goods containing asbestos must be provided when using this code and the description should be as concise as possible.
- (c) for each applicable consumer and commercial code listed in (a), provide the quantity of asbestos manufactured, imported, exported or used, reported in kilograms (rounded to 2 significant digits)
 - As previously stated, the quantity refers to the **quantity of asbestos itself**, and not the quantity of the mixture, product, or manufactured item containing asbestos.
- (d) for each applicable Consumer and Commercial Code, the concentration or range of concentrations of asbestos by weight (w/w%) the known or anticipated final goods containing asbestos
- (e) for each applicable Consumer and Commercial Code, the description and the common or generic name of asbestos or the known or anticipated final good containing asbestos.

Example 4:

In 2015, you imported 3000 kg of a product containing 10% asbestos (total quantity of asbestos imported is 300 kg) which will be used as construction material (consumer and commercial code C204.01 – Cement pipes and sheets).

Required information	Response
CAS RN	77536-68-6
Consumer and Commercial Code(s)	C204.01
Total quantity of substance	300 kg
Concentration, or range of concentrations, by weight in the anticipated final good containing asbestos	10%
Description and common or generic name of asbestos or the known or anticipated final goods containing asbestos	Cement pipes

4.3. Section 6

Any person who **imported, exported, or used** asbestos during the 2015 calendar year shall provide the following information:

- (a), CAS RN of the substance imported, exported or used
- (b), the name, head office street and mailing addresses, of the supplier(s) from whom they obtained the substance, whether alone or in a mixture, product or manufactured item

Example 5:

In 2015, you used 100 kg of asbestos that you purchased from a Canadian supplier.

Required information	Response
CAS RN	12001-29-5
Supplier contact information	ACME Corporation Inc. XXX Super Avenue, Toronto, Ontario, X1X 1X1

Example 6:

In 2015, you imported 500 kg of asbestos that you purchased from an international supplier. Since you do not know the exact subtype of asbestos, you report your activity based on CAS RN 1332-21-4.

Required information	Response
CAS RN	1332-21-4
Supplier contact information	123 Business Inc. XXX Roxy Avenue, NY, NY, 23456

4.4. Section 7

In this Notice, persons who meet the reporting requirements must provide information on the size of the responding company based on employee number and gross annual receipts for 2015. This is applicable even when the reporting year is 2013, or 2014.

This information is for the entire company, not solely the business unit focusing on asbestos. The information is requested in the following ranges:

- (a), the range representing the number of employees and contract employees in Canada (1 – 4, 5 – 99, 100 – 499, 500 and over), during the 2015 calendar year.
- (b), company-wide, the range representing the gross annual receipts in Canada for calendar year 2015 (less than \$30,000; \$30,000 to \$5 million; \$5 million to \$50 million; greater than \$50 million).

Example 7:

In 2015, your company had 78 employees and gross annual receipts of \$5.6 million.

Required information	Response
Range of number of employees	5-99
Range of gross annual receipts	\$5 million to \$50 million

4.5. Section 8

In this Notice, persons who meet the reporting requirements are requested to provide information on whether the asbestos-related activity is or will be phased out. Any information on the use of substitutes as is also required.

More specifically, any person to whom this notice applies shall provide the following information:

- (a) whether the company has, or plans to phased out the manufacture, import, export or use of asbestos, by indicating “yes” or “no”;
- (b) If the answer to (a) is “yes”, please indicate the date or anticipated date of phase out. If the answer to (a) is “no”, please explain reasoning;
- (c) whether the company has substituted, or plans to substitute, asbestos with an alternative substance, by indicating “yes” or “no”; and
- (d) if the answer to (c) is “yes”, please indicate the name of the alternative substance.

In this section, further information regarding the type of activity (manufacture, import, export or use) as well as products or uses for which asbestos will be phased out or substituted is encouraged to be provided. This information can be included in the “Notes” field of Section 8 of the online reporting system via Environment and Climate Change Canada’s Single Window

<http://www.chemicalsubstanceschimiques.gc.ca/plan/resources/S71-eng.php>

Example 8:

In 2015, your company started phasing out the use of asbestos in construction materials.

Required information	Response
Company has, or plans to phased out the manufacture, import, export or use of asbestos	Yes
Date or anticipated date of phase out	September 2015
Reason for not phasing out	N/A
Company has, or plans to substituted, asbestos with an alternative substance	N/A
Name of the alternative substance	N/A

5. Request for confidentiality

Pursuant to section 313 of the Act, any person who provides information in response to the Notice may submit, with the information, a written request that it be treated as confidential. A request for confidentiality may be submitted for all or part of the information provided.

A request should only be made for information that is truly confidential.

When submitting a request for confidentiality, the following criteria should be considered:

- the information is confidential to your company and has consistently been treated as such by your company;
- your company has taken, and intends to continue to take, measures that are reasonable in the circumstances to maintain the confidentiality of the information;
- the information is not, and has not been, reasonably obtainable by third persons by use of legitimate means, except with the consent of your company;
- the information is not available to the public;
- disclosure of the information may reasonably be expected to cause substantial harm to the competitive position of your company; or
- disclosure of the information may reasonably be expected to result in a material financial loss to your company or a material financial gain to your company's competitors.

Upon receipt of a request for confidentiality under section 313 of the Act, in relation to information submitted pursuant to the Notice, the Minister of the Environment shall not disclose that information, except in accordance with the law.

Any person who provides information in response to the Notice, and requests that the information be treated as confidential is encouraged to include a rationale indicating the reason for requesting confidentiality. Through the online reporting tool, the rationale is provided by selecting at least one of the following criteria that applies to the information identified as confidential:

- a) it is a trade secret of the submitter;
- b) it is information of a financial, commercial, scientific or technical nature that is treated consistently in a confidential manner by the submitter;
- c) 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
- d) its disclosure could reasonably be expected to interfere with contractual or other negotiations of the submitter.

6. Blind submission

A "Blind Submission" is a two-part submission where customers and their suppliers collaborate to meet the obligation to respond to the Notice.

The customer responds to the Notice, completing as much information as they can. If customers do not possess some information, they may ask their suppliers if the mixtures or products they purchase contain substances set out in Schedule 1 to the Notice.

Suppliers looking to protect their formulations as confidential business information may be reluctant to provide the information to their customers. In this case, the customer

submits all information in their possession and the supplier submits the remainder of the information directly to the Substances Management Coordinator, to complete the submission. A cover letter or note should be provided with each submission indicating that the supplier's submission completes the customer's submission.

If a supplier knows/suspects that a customer should report, based on quantities purchased, the supplier may choose to inform the customer of this.

Example 9:

During 2014, *Company A* imported *Product 123* into Canada from *Company B*. *Company A* follows up with *Company B* to obtain information on the composition of *Product 123* to determine the concentration of asbestos. *Company B* confirms that *Product 123* contains asbestos and that based on the total quantity of *Product 123* sold to *Company A* in 2014, *Company A* would meet the reporting criteria outlined in Schedule 2 to the Notice for the substance. However, *Company B* is reluctant to share the composition of *Product 123* since their formulation is confidential.

Company A can submit a "Blind Submission" jointly with *Company B*, in which:

- Based on information in their possession, *Company A* responds to the Notice providing as much information as they can (e.g., the quantity of *Product 123* imported in 2014). Along with their submission, *Company A* should provide a cover letter to clearly explain the situation and identify *Company B* as their direct foreign supplier.
- *Company B* provides the confidential information required to complete *Company A*'s submission directly to the Substances Management Coordinator (e.g., the concentration of asbestos in the final product). Along with their submission, *Company B* should provide a cover letter to clearly indicate that their information is confidential and that it completes *Company A*'s submission.

The Substances Management Coordinator makes the necessary connection between the two submissions in order to complete the submission of *Company A*, while keeping all information confidential.

Please note that blind submissions **cannot** be submitted online via Environment and Climate Change Canada's Single Window. Blind submissions can be submitted to the Substances Management Coordinator by email (eccc.substances.eccc@canada.ca) with the subject line "Asbestos Blind Submission".

7. Declaration of Stakeholder Interest

Persons not subject to the Notice, but who have a past, current or future interest in asbestos, are encouraged to identify themselves as a "stakeholder" for the substance by completing the voluntary **Declaration of Stakeholder Interest** using the online reporting system via Environment and Climate Change Canada's Single Window. The online reporting system is available from the Chemical Substances Web site at: <http://www.chemicalsubstanceschimiques.gc.ca/plan/resources/S71-eng.php>

Interested stakeholders may be contacted for further information regarding their interest in asbestos. When completing the declaration, you should specify your activity or potential activity with the substance(s) (e.g., import, manufacture, or use).

8. Declaration of Non-Engagement

Persons who do not meet the requirements to respond to the Notice and have no commercial interest in asbestos may submit a **Declaration of Non-Engagement** for the Notice using the online reporting system via Environment and Climate Change Canada's Single Window. The online reporting system is available from the Chemical Substances Web site at:

<http://www.chemicalsubstanceschimiques.gc.ca/plan/resources/S71-eng.php>

9. Submission of Voluntary Information

Interested stakeholders are encouraged to voluntarily submit additional information that is deemed beneficial on asbestos, **through a Declaration of Stakeholder Interest** using the online reporting system via Environment and Climate Change Canada's Single Window. The online reporting system is available from the Chemical Substances Web site at:

<http://www.chemicalsubstanceschimiques.gc.ca/plan/resources/S71-eng.php>

For example, if you did not have activity with asbestos in 2013-2015, but had activity in alternate calendar years, you are encouraged to provide information deemed beneficial for the alternate calendar years voluntarily by completing a Declaration of Stakeholder Interest.

Voluntary data supplementing a response to the Notice can be submitted online in any "Notes" fields of the Section 71 reporting form within the Environment and Climate Change Canada's Single Window reporting system.

When providing voluntary information, please clearly indicate that the information is voluntary and provide the calendar year for which it applies.

This information will help the Government of Canada improve decision making for asbestos and ensure all activities are considered before moving forward with further actions regarding asbestos.

10. Responding to the Notice

Responses to the Notice must be provided no later than **January 18, 2017, 3 p.m. Eastern Standard Time** using the online reporting system available through Environment and Climate Change Canada's Single Window at:

11. What if I need more time to comply with the Notice?

If you require more time to comply with the Notice, you may submit a request in writing for an extension of time. The request should include the company name, contact information and the reason for the request. Note that extensions for the asbestos Notice will only be granted in exceptional circumstances and for a short period of time.

It is important to note that you must request an extension of time in writing before the **January 18, 2017, 3 p.m. Eastern Standard Time** deadline. No extensions will be granted after the deadline has expired. It is recommended that any request for an extension be submitted at least **five (5)** business days before **January 18, 2017, 3 p.m. Eastern Standard Time**, so that a request can be processed by the Minister of the Environment before expiry of the deadline.

Requests for an extension of time should be sent to the Minister of the Environment, to the attention of:

Substances Management Coordinator
Chemicals Management Plan
Gatineau QC, K1A 0H3
E-mail: eccc.substances.eccc@canada.ca

12. Contact information

Inquiries concerning the Notice may be directed to the Substances Management Information Line at:

- Telephone: 1-800-567-1999 (Toll-free in Canada) or 819-938-3232 (Outside of Canada)
- E-mail: eccc.substances.eccc@canada.ca (Indicate in the subject line "Asbestos Inquiry")