



## **Guidance for responding to the *Notice with respect to triclosan* (the notice)**

**Published in the Canada Gazette Part I on February 9, 2013**

This document provides guidance for responding to the notice published in the *Canada Gazette*, Part I, on February 9, 2013, pursuant to paragraph 71(1)(b) of the *Canadian Environmental Protection Act, 1999* (the Act). The document is available for guidance only and, in case of discrepancy between this document and the notice or the Act, the official versions of the notice and the Act take precedence.

Health Canada and Environment Canada conducted a joint scientific assessment of available information relevant to the evaluation of triclosan in Canada. In March 2012, the [Preliminary Assessment Report on Triclosan](#) was released and the related Notice was published in the [Canada Gazette, Part I: Vol. 146 No. 13 - March 31, 2012](#), under subsection 77(1) of CEPA 1999, for a 60-day public comment period. The preliminary assessment report proposed that triclosan is entering or may enter the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment or its biological diversity.

A survey conducted under section 71 of CEPA 1999 in 2001 requested information on the manufacture, import, use and release of triclosan in a quantity greater than 100 kg and at a concentration of 1% w/w or more for the year 2000 (Environment Canada 2001). Results from this survey indicate that triclosan was not manufactured in Canada at the reporting threshold of 100 kg. Approximately 54 000 kg of the substance was imported to Canada in the year 2000 and incorporated into products such as hand soap, dishwashing/laundry products, institutional fabric softeners, facial cleanser, toilet bowl deodorizer, underarm deodorants, textiles, synthetic innersoles and used as a sanitizing agent in textile mills (Environment Canada 2003).

Data needs exist concerning the quantity of triclosan currently in Canada. Data is needed to provide current information on which products or industrial processes are major sources of triclosan in the environment, an important consideration in developing future risk management actions, if necessary.

The data that is being gathered via the notice is needed to provide an update on quantities, use patterns, details on products and industrial processes to help identify potential sources of releases and quantities released to the environment. The notice requests information from manufacturers, importers, exporters and users of triclosan, whether alone, in a mixture or in a product. This information will be considered in the final risk assessment and will be used to inform risk management, if required.

In addition, the Minister of the Environment and the Minister of Health invite the submission of additional information by interested stakeholders. In particular, stakeholders are encouraged to provide any additional information on triclosan to help provide an update on use patterns, details on products and industrial processes to help identify potential sources of releases and quantities released to the environment. Stakeholders may also submit additional information with respect to triclosan, using the Stakeholder Interest Form available on the Government of Canada's Chemical Substances web site.

The February 9, 2013 notice and all documents related to the collection of information are available through the Government of Canada's Chemical Substances web site at [www.chemicalsubstanceschimiques.gc.ca](http://www.chemicalsubstanceschimiques.gc.ca).

## **Information for completion of the February 9, 2013 section 71 Notice**

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## **1. What is the purpose of the notice?**

The purpose of the notice is to gather information on triclosan in order to update information such as quantities, use patterns, details on products and industrial processes to help identify potential sources and release quantities to the environment. The notice requests information from manufacturers, importers, users and exporters of triclosan, whether alone, in a mixture or in a product. This information will be considered in the final risk assessment and will be used to inform risk management, if required.

The type of information being collected includes:

- whether triclosan was manufactured, imported, used or exported in Canada during the 2011 calendar year;
- the quantities of triclosan manufactured, imported, used or exported;
- the industrial sectors involved in the manufacture, import and use of the substance;
- the types of mixtures and products containing triclosan;
- the concentration of triclosan in mixtures and products;
- the suppliers of triclosan;
- the quantities of the substance being released to the environment or transferred to off-site waste-management facilities; and
- the technological solutions in place to prevent or minimize releases to the environment or the potential exposure of individuals in Canada to triclosan, if applicable.

Persons, including companies, having recent activity with respect to triclosan may be contacted for follow-up and, where necessary, more detailed information may be requested.

## **2. Where can I get a copy of the notice?**

The notice was published in Part 1 of the *Canada Gazette*, pursuant to paragraph 71(1)(b) of the Act on February 9, 2013. Links to view the notice published in the *Canada Gazette* can be found on the Government of Canada's Chemical Substances web site at [www.chemicalsubstanceschimiques.gc.ca](http://www.chemicalsubstanceschimiques.gc.ca).

## **3. Which substance is reportable under the notice?**

The reportable substance in the notice is triclosan:

CAS RN <sup>1</sup>	Name of the Substance	Common Name
3380-34-5	5-chloro-2-(2,4-dichlorophenoxy)phenol	triclosan

#### 4. Who is required to respond and which sections need to be completed?

As outlined in Schedule 2 of the notice, the notice applies to any person who, during the 2011 calendar year, satisfied any of the following criteria:

- (a) **manufactured** a total quantity greater than 10 kg of the substance at any concentration;
- (b) **imported** a total quantity greater than 10 kg of the substance whether alone; or at a concentration equal to or above 0.001% by weight in a mixture or in a product;
- (c) **used** a total quantity greater than 10 kg of the substance whether alone; or at a concentration equal to or above 0.001% by weight in a mixture or in a product in the manufacture of a mixture or product; or
- (d) **exported** a total quantity greater than 10 kg of the substance whether alone; or at a concentration equal to or above 0.001% by weight in a mixture or in a product.

A person must respond to the notice if they meet any of these reporting requirements.

The quantity of triclosan that a person manufactured, imported, used or exported should be determined based on the quantity of triclosan itself, and not on the quantity of the mixture or product containing the substance. Examples of how to determine whether a company meets the reporting threshold are below:

##### **Example 1:**

##### **1) Company meets the reporting threshold:**

In 2011, if your company imported 20 000 kg of Product X that contains 0.1% of triclosan, then a total quantity of 20 kg of the substance was imported. The reporting threshold is met.

##### **2) Company meets the reporting threshold:**

In 2011, if your company imported 10 000 kg of Mixture X that contains 0.05% of triclosan and 30 000 kg of Product Y that contains 0.1% of triclosan, then a total quantity of 35 kg of the substance was imported. The reporting threshold is met.

##### **3) Company does **not** meet the reporting threshold:**

<sup>1</sup> **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.

In 2011, if your company used 1 000 kg of Mixture X that contains 0.3% of triclosan, to manufacture Product Y, then a total quantity of 3 kilograms of triclosan was used. The reporting threshold is not met.

Subsection 71(3) of the Act states that every person to whom a notice was referred under paragraph 71(1)(b) of the Act must comply with the notice within the time specified in the notice. The time specified in the notice is **July 11, 2013**, 5 p.m. Eastern Daylight Saving Time.

If the person subject to the notice is a company who owns or operates more than one facility, a single response to the notice shall be submitted. The single response shall amalgamate the information from all facilities owned by the company for each applicable question in the notice, unless otherwise indicated.

Respondents to the notice who:

- **Manufactured** triclosan:
  - complete sections 4, 5 and 9 in Schedule 3
- **Imported** triclosan:
  - complete sections 4, 5 and 6 in Schedule 3
- **Used** triclosan:
  - complete sections 4, 5, 7, 8 and 9 in Schedule 3
- **Exported** triclosan:
  - complete sections 4 and 5 in Schedule 3

#### ***4.1- Mixtures, Manufactured Items, and Products***

A **mixture** is a combination of substances that does not produce a substance that is different from the substances that were combined. For the purposes of the notice, mixtures include, but are not limited to, the following examples:

- prepared formulation
- hydrate
- reaction mixture that is characterized in terms of its constituents

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. Manufactured items include, but are not limited to, the following examples:

- toys, playground, and sporting equipment
- plastics and rubber items manufactured into a finished form

A **product** excludes mixture and manufactured item. For the purpose of the notice, products include, but are not limited to, the following examples:

- cosmetics and personal care products such as skin cleanser, moisturizer, lotion, make-up, deodorant, fragrance, shaving preparation, shampoo, toothpaste, foot gel, acne treatment and body spray

- drugs and natural health products
- dishwashing/laundry products

#### **4.2- Do I manufacture?**

Schedule 2 of the notice specifies that the notice applies to any person who, during the 2011 calendar year, manufactured a total quantity greater than 10 kg of triclosan, at any concentration.

The manufacture of a substance relates to the creation or production of the substance itself, and not to the manufacture of a mixture or product using the substance.

“Manufacture” includes to produce or to prepare a substance, and also the incidental production of a substance.

Incidental production of a substance may occur if, during the process of blending or formulating, a chemical reaction occurs that results in the production of the substance that is reportable under the notice.

It is important to note that for the purposes of this notice, using triclosan (either alone, in a mixture or in a product) to create or produce a mixture or product would be considered “used” in Schedule 2 (see Section 4.4 of this document for more information on the reporting requirements for users).

#### **4.3- Do I import?**

Schedule 2 of the notice specifies that the notice applies to any person who, during the 2011 calendar year, imported a total quantity greater than 10 kg of triclosan, whether alone; or at a concentration equal to or above 0.001% by weight in a mixture or in a product.

Import relates specifically to the movement of triclosan or any mixture or product that contains triclosan, into Canada from another country.

If you are aware that an imported mixture or product contains triclosan, you are required to respond to the notice if you meet the reporting criteria.

You are required to provide information that your company possesses or to which your company may reasonably be expected to have access (see Section 8 of this document for more details on the information to which you may reasonably be expected to have access).

For the purpose of the notice, possible situations where you are considered to “import” include, but are not limited to, the examples below.

### **Example 2:**

- You purchased triclosan from a foreign supplier, and the substance was shipped directly from the foreign supplier to your location in Canada.
- You ordered a mixture containing triclosan 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 triclosan as an internal company transfer from a foreign location.

Your activities do not meet the definition of “import” if you purchased or received triclosan whether alone; or in a mixture or product containing triclosan that was already located in Canada.

### ***4.4- Do I use?***

Schedule 2 of the notice specifies that the notice applies to any person who, during the 2011 calendar year, used a total quantity greater than 10 kg of triclosan, whether alone; or at a concentration equal to or above 0.001% by weight in a mixture or in a product; in the manufacture of a mixture or product.

Examples of uses that would meet the description above include:

### **Example 3:**

- You blend triclosan with other components to make Product Z.
- You react triclosan with Substance C as a chemical intermediate to prepare Product Y.
- You use triclosan as an active ingredient or as a material preservative and add it to other components to produce Product X.
- Triclosan is an impurity within Mixture W. Mixture W is blended with other components to make Product V.
- You repackage triclosan from bulk containers to smaller containers before selling the substance to customers.

Examples of uses that would not meet the description above (i.e. because these uses are not related to the manufacture of a mixture or product) include:

### **Example 4:**

- You purchase Product Y which contains triclosan from your supplier, and distribute the product to your customers.
- You load triclosan onto a carrier and ship the substance to three other companies.



- You use Product X which contains triclosan as antibacterial protection for medical devices, toys, playground, sporting equipment and/or textiles.
- You use a manufactured item that contains triclosan.

#### **4.5- Do I export?**

Schedule 2 of the notice specifies that the notice applies to any person who, during the 2011 calendar year, exported a total quantity greater than 10 kg of triclosan, whether alone; or at a concentration equal to or above 0.001% by weight in a mixture or in a product.

Export relates specifically to the movement of triclosan or any mixture or product containing triclosan out of Canada to another country.

For the purpose of the notice, possible situations where you are considered to “export” include, but are not limited to, the following examples:

#### **Example 5:**

- You sold triclosan to a foreign company, whether alone, or in a mixture or in a product containing triclosan, and it was shipped directly to a foreign customer (such as a person or company situated outside of Canada).
- You sold Product A containing triclosan to a company in Europe.
- You shipped Mixture W to the United States of America and Mixture W contains Triclosan.

Your activities do not meet the definition of “export” if you sold triclosan whether alone, or in a mixture or in a product to a company located in Canada.

#### **4.6- Exclusions**

This notice does not apply to triclosan, whether alone, in a mixture or in a product that is:

- Is in transit through Canada, such that Canada was neither the point of origin or the destination; or
- Is, or is contained in, a pest control product within the meaning of subsection 2(1) of the *Pest Control Products Act* (PCPA), where that pest control product is registered under the PCPA.

### **5. How to submit a blind submission**

Since customers may purchase several different mixtures or products that contain triclosan, or may import the same item from several suppliers, it may be difficult to determine if the total quantity meets the threshold.

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

Customers may ask their suppliers if the products they purchase contain triclosan. Suppliers looking to protect their formulations as confidential business information may be reluctant to provide the information to their customers. In this case, suppliers and customers can work together in order for each person to provide the information via a "blind submission".

In a "blind submission", the customer responds to the section 71 notice, completing as much information as they can, and the supplier submits the information necessary to complete the response directly to the Substances Management Coordinator. A cover letter or note should be provided with each submission indicating that the supplier's submission completes the customer's submission.

For further information on blind submissions, please contact the Substances Management Information Line (see Section 13 of this document for contact information).

## **6. Information required in the notice**

### ***6.1- How do I report the total quantities?***

Within the notice, it is necessary to report the total quantities of triclosan that were manufactured, imported, used, exported, released, treated on site, and/or transferred to an off-site waste management facility during the 2011 calendar year, as follows:

- All quantities should be reported **in kilograms (kg), rounded to 2 significant digits**. For example:
  - 0.0368 rounded to 2 significant digits is 0.037
  - 541 231 rounded to 2 significant digits is 540 000
  - 831.29 rounded to 2 significant digits is 830
- The quantities reported in the notice must be for the **substance itself**, and not the quantity of the mixture or product containing the substance.
- Reporting "0" for quantity released indicates there were no releases of the substance during the 2011 calendar year.
- If the release section is not applicable, you should indicate "n/a" in the appropriate field, and/or provide an explanatory note to further clarify, if necessary.

### ***6.2- What are the North American Industry Classification System codes?***

You are required to report each applicable six-digit North American Industry Classification System (NAICS) code with respect to each of your activities with the substance, or the product or mixture containing the substance. The code or codes will provide general information on the number and types of sectors involved with the substances listed in the notice.

The NAICS codes were developed by Statistics Canada, the U.S. Office of Management and Budget, and Mexico's Instituto Nacional de Estadística Geografía e Informática, to enable the national agencies to collect comparable statistical data.

To determine which NAICS code or codes applies to the substance on which you are reporting, the NAICS Canada 2012 list of codes is available at the Statistics Canada web site (*note that the NAICS code(s) web address is case sensitive*):

[http://www.statcan.gc.ca/access\\_acces/alternative\\_alternatif.action?l=eng&loc=http://www.statcan.gc.ca/pub/12-501-x/12-501-x2012001-eng.pdf&teng=North%20American%20Industry%20Classification%20System%20\(NAICS\)%20Canada%202012&tfra=Le%20Syst%E8me%20de%20classification%20des%20industries%20de%20l'Am%E9rique%20du%20Nord%20\(SCIAN\)%20Canada%202012](http://www.statcan.gc.ca/access_acces/alternative_alternatif.action?l=eng&loc=http://www.statcan.gc.ca/pub/12-501-x/12-501-x2012001-eng.pdf&teng=North%20American%20Industry%20Classification%20System%20(NAICS)%20Canada%202012&tfra=Le%20Syst%E8me%20de%20classification%20des%20industries%20de%20l'Am%E9rique%20du%20Nord%20(SCIAN)%20Canada%202012)

### **6.3- What are the Consumer and Commercial codes?**

Consumer and Commercial Codes are a list of codes used to describe the use of a substance in a consistent manner.

**Consumer and Commercial code** refers to the use of a substance, or the mixture or product containing the substance with regards to its purpose in a consumer (end use) or commercial setting (i.e., the anticipated use of the substance, mixture or product).

For the sections in the notice that request codes, you are required to report the Codes that apply to the use of the substance, or the mixture or product containing the substance. Refer to section 10 of Schedule 3 of the notice or Section 6.4 of this document for the list of codes and their corresponding descriptions.

### **6.4- Code Numbering System for Consumer/Commercial Codes**

All code numbers 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 product.

[**Group #**] is a one-digit number to indicate a grouping of chemical substances or products having similar uses.

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

For the purpose of this notice, the list of codes provided reflect those that are most likely to involve triclosan. Three codes (C105, C106 and C108) have been further divided into ‘sub-codes’ with an additional two digits. The intent is to obtain more detailed information regarding consumer and commercial activities related to these codes. When responding to the notice for the codes that have sub-codes please use the sub-code number that best describes the activity.

Number 999 is reserved for the “Other” code in consumer and commercial product codes (C999). When selecting this code, a written description of the use of the

substance, or mixture or product containing the substance, must be provided and the description should be as concise as possible.

## List of Consumer and Commercial Codes and Corresponding Descriptions

**Table 1: SUBSTANCES IN TREATMENT OR CARE**

<b>Consumer and Commercial Codes</b>	<b>Title</b>	<b>Description</b>
C160	Pet Care	Substances contained in pet care products or mixtures that are used for cleansing, grooming, improving or altering skin, hair or teeth and intended for animal use.

**Table 1A: Substances in Cleaning and Furnishing Care**

C105.01	Bathroom, Toilet and Shower Cleaners	Substances contained in products or mixtures that are used as bathroom, toilet and shower cleaners.
C105.02	Dust Control	Substances contained in products or mixtures that are used to treat dust.
C105.03	Floor cleaners, Floor Care, Carpet Care	Substances contained in products or mixtures that are used for floor care, such as cleaning, stripping and restoring; or that are used for carpet care, such as carpet shampoos and cleaners.
C105.04	General All-Purpose Cleaners	Substances contained in products or mixtures that are used as general all-purpose cleaners.
C105.05	Glass Cleaners	Substances contained in glass care products or mixtures, such as glass cleaners.
C105.06	Industrial Cleaners	Substances contained in industrial cleaning products or mixtures, such as degreasers for heavy cleaning, industrial hand degreasers and other general purpose industrial cleaners.
C105.07	Polishes, Coatings, Finishes, and Shine Restorers	Substances contained in polishes, coatings, finishing products or mixtures, such as shine restorers, metal treatments, rust-removal polishes, detergent-resistant polishes, and furniture polish.

**Table 1B: Substances in Laundry and Dishwashing**

C106.01	Detergents and Rinsing Agents for Automatic Dishwashers	Substances contained in products or mixtures that are used as detergents and rinsing agents for automatic dishwashers.
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C106.02	General Purpose Detergents	Substances contained in products or mixtures that are used as general purpose detergents.
C106.03	Laundry	Substances contained in products or mixtures used for laundry.
C106.04	Specialized Dishwashing	Substances contained in products or mixtures that are used for specialized dishwashing.

**Table 1C: Substances in Personal Care**

C108.01	Baby care	Substances contained in products or mixtures labeled for use on infants up to 2 years old.
C108.02	Barrier Cream or Skin Moisturizer or Anti-wrinkle preparation or Eye lotion	Substances contained in products or mixtures which protect the hands from dirt, grease or solvents; to be applied to the skin to soften dry skin or maintain skin suppleness by reducing water loss or increasing the water content of the skin, such as emollients and humectants;. to be applied to the face to mask or reduce the appearance of fine lines or wrinkles, such as makeup or moisturizer; for use as lotion in the area of the eye, such as lotions and moisturizers.
C108.03	Bath Preparation	Substances contained in products or mixtures added to the bath water, such as bath oils, tablets, salts or bubble baths.
C108.04	Body, Eye or Face Makeup, or Lipstick	Substances contained in products or mixtures applied as makeup to the body other than the hair, eyes or face, such as body paint. labeled for use as makeup in the area of the eye, such as eyebrow pencils, eyeliners, eye shadows, eye makeup removers or mascara; in the area of the face, such as blushes, face powders, foundations, rouges or makeup fixatives; or to be applied to the area of the lips, such as lip colours, glosses and moisturizers.
C108.05	Dentifrice	Substances contained in products or mixtures which clean or polish the teeth.
C108.06	Deodorant	Substances contained in products or mixtures which modify, reduce, or prevent the development of body odours.
C108.07	Douche	Substances contained in products or mixtures used for personal feminine douche.
C108.08	Fragrance	Substances contained in products or mixtures for use as a fragrance, such as perfumes, colognes, toilet water, and talcum powders.
C108.09	Hair Grooming	Substances contained in products or mixtures to improve the appearance or to shape or style the hair, such as mousses, gels, pomades or sprays.

C108.10	Hair Remover, Hair Bleach or Dye and Hair Straightener or Waving Preparation	<p>Substances contained in products or mixtures used to facilitate the removal of hair by chemical or mechanical means, such as depilatory or depilatory products, and wax treatments.</p> <p>Substances contained in products or mixtures used to bleach the hair or used to change the colour of hair.</p> <p>Substances contained in products or mixtures which contain agents used to chemically soften the hair to facilitate straightening of the hair; or to chemically soften the hair to facilitate curling.</p>
C108.11	Hair Shampoo or Conditioner	Substances contained in products or mixtures to clean and condition the hair; or to increase the suppleness or body of the hair; to facilitate combing; or add gloss or texture to the hair.
C108.12	Manicure Preparation	Substances contained in products or mixtures to be applied to the nails, such as nail polishes, nail polish removers, nail creams and lotions, cuticle softeners and nail hardeners.
C108.13	Massage Preparation	Substances contained in products or mixtures used for massaging purposes, such as gels, creams and lotions.
C108.14	Mouthwash	Substances contained in products or mixtures to freshen or deodorize the mouth and breath other than lozenges and gums, such as breath freshening drops, sprays, or strips.
C108.15	Shaving Preparation	Substances contained in products or mixtures for use in shaving, such as shaving cream, pre-shave lotion, after shave lotion, beard softener and shaving soap.
C108.16	Skin Cleanser	Substances contained in products or mixtures used to cleanse the skin, such as soap, adhesive removers, astringents, towelettes and exfolients.
C108.17	Tanning Preparation	Substances contained in products or mixtures which improve the appearance of a tan (e.g. by pigments). Excludes products or mixtures which protect the skin from the sun or enhance or accelerate the tanning process.

**Table 2: SUBSTANCES IN CONSTRUCTION OR PAINT**

<b>Consumer and Commercial Codes</b>	<b>Title</b>	<b>Description</b>
C201	Adhesives and Sealants	Substances contained in adhesive or sealant products or mixtures used to fasten other materials together or prevent the passage of liquid or gas.
C202	Paints and Coatings	Substances contained in paints or coatings.

**Table 3: SUBSTANCES IN AUTOMOTIVE CARE**

<b>Consumer and Commercial Codes</b>	<b>Title</b>	<b>Description</b>
C401	Automotive Care	Substances contained in products or mixtures used in automotive cleaning and care of exterior and interior vehicle surfaces.

**Table 4: SUBSTANCES IN ITEMS FOR FOOD, OR HEALTH**

<b>Consumer and Commercial Codes</b>	<b>Title</b>	<b>Description</b>
C563	Drugs	Substances contained in prescription and non-prescription drugs intended for humans or animals.
C564	Natural Health	Substances used in natural health products or mixtures intended for humans or animals.

**Table 5: SUBSTANCES IN PRODUCTS or MIXTURES NOT DESCRIBED BY OTHER CODES**

<b>Consumer and Commercial Codes</b>	<b>Title</b>	<b>Description</b>
C999	Other (specify)	Substances contained in products or mixtures that are not described within any other Consumer and Commercial Code. A written description of the product or mixture must be provided when using this code.

### **6.5- What is a Release?**

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 emission or discharge of a substance in any form (liquid, solid or gas) and in any media (air, water or soil), whether the release is intentional or non-intentional.

Following are examples of the different sources of releases of the substance either in solid (e.g. powder, pellet, etc), liquid (e.g. sludge, solution, etc) or gaseous (e.g., vapour, etc), 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 discharges to water bodies, including discharges to municipal wastewater and storm water collection and/or treatment systems, spills and leaks;
- releases to land - underground injections, discharges to groundwater, discharges resulting from spills, leaks and other.

#### **6.6- What is a Transfer to an Off-site Waste Management Facility?**

A transfer to an off-site waste management facility is any movement of a substance including a mixture or product containing the substance, to a facility, including a third party facility, which will handle, recycle or dispose of the substance (either as hazardous waste or non-hazardous waste).

For the purpose of the notice, a transfer to an off-site waste management facility is not considered to be a release.

### **7. How to complete the sections of Schedule 3**

If you meet the reporting requirements as set out in Schedule 2 of the notice, then you must respond to the appropriate sections of Schedule 3 of the notice:

- If you **manufactured** triclosan:
  - complete sections 4, 5 and 9 in Schedule 3;
- If you **imported** triclosan:
  - complete sections 4, 5 and 6 in Schedule 3;
- If you **used** triclosan:
  - complete sections 4, 5, 7, 8 and 9 in Schedule 3;
- If you **exported** triclosan:
  - complete sections 4 and 5 in Schedule 3.

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

You are required to provide information in your possession or to which you are reasonably expected to have access. (see Section 8 of this document for more details on the information to which you may reasonably be expected to have access).

As indicated in section 3 of Schedule 3, if any of the information required under Schedule 3 of this notice was submitted to the Minister of the Environment, after December 31, 2011, it may be relied on as a response to any question in Schedule 3 of the notice if:

- the information previously submitted is applicable to the 2011 calendar year;



- the information meets the requirements of the specific question;
- the person agrees that the previously submitted information referred to is their response to the specified provision of Schedule 3 of this notice; and
- the person provides the following information:
  - the specific section; subsection; or paragraph of this notice to which the submitted information relates;
  - the title or description of the submitted information;
  - the date on which the information was submitted;
  - the name of the person who submitted the information; and
  - the program and/or individuals at Environment Canada to which the information was submitted.

It is important to note that the previously submitted information is **not** required to be resubmitted under the notice; however the information specified in section 3 of Schedule 3 to the notice must be provided as an attachment to your submission.

**Example 6:**

During a voluntary data collection initiative in March 2012, you provided 2010 data to the Minister of the Environment for triclosan, and the data is still applicable for the 2011 calendar year.

- You should reference the previously submitted information in response to the applicable section(s) of Schedule 3, and attach the information specified in section 3 of Schedule 3.

**7.1- Section 4 of Schedule 3 of the notice**

**Identification and Declaration Form**

The Identification and Declaration Form is provided for three reasons:

1. to request the identification and contact information of each person who responds to the notice;
2. to require certification of the accuracy of the response; and
3. to request confidentiality.

When responding to the notice, you must submit an original signed version of the Identification and Declaration Form to the Minister of the Environment, to the attention of the Substances Management Coordinator.

**Confidentiality requests**

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. When requesting confidentiality, specify the parts (e.g. sections, tables) of the information to be treated as confidential.

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.

#### **7.2- Section 5 of Schedule 3 of the notice**

If you manufactured, imported, used or exported triclosan, during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, you must provide the following:

- In column (a), the **total quantity** (rounded to 2 significant figures) of the substance that was manufactured, imported, used or exported, if applicable, during the 2011 calendar year. If more than one activity is applicable for the substance, report the information as separate entries.; and
- in column (b) indicate each applicable six-digit **North American Industry Classification System (NAICS) code(s)** that applies with respect to your activity with the substance, or with the mixture or product containing the substance. If your company has a large spectrum of activities, please select a NAICS code that applies to the activity your company has with the substance.

#### **Example 7:**

In 2011, you used 200 kilograms of triclosan, as an active ingredient to manufacture dishwashing mixtures. Your primary activity with the substance is to prepare a mixture - basic organic chemicals, which has the applicable NAICS code 325610 (Soap and cleaning compound manufacturing).

(a) Quantity of the substance in kg ( <b>rounded to 2 significant digits</b> )				(b) NAICS <sup>1</sup> code(s)
Manufactured in 2011	Imported in 2011	Used in 2011	Exported in 2011	
		200		325610

### 7.3- Section 6 of Schedule 3 of the notice

If you **imported** triclosan during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, you must provide the following:

- In column (a), the applicable Consumer and Commercial code(s) that apply to triclosan that was imported, or to the mixture or product containing triclosan. ;
  - Refer to section 10 of schedule 3 of the notice or Section 6.4 of this document for the list of applicable Consumer and Commercial Codes and their corresponding descriptions.
  - 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 must be provided when using this code and the description should be as concise as possible.
- For each applicable Consumer and Commercial Code listed in column (a), you must provide the following:
  - in column (b), the **quantity** of triclosan that was imported, reported in kilograms, rounded to 2 significant digits; and
  - in column (c), the **concentration** or range of concentrations of triclosan as a weight percentage, expressed as w/w%, in the mixture or product

#### **Example 8:**

In 2011, you imported triclosan within a deodorizing spray. The Consumer and Commercial Code applicable in this case is C108.06 (Deodorant). The total quantity of the substance imported is 1100 kg. The concentration of the substance within the personal care product is 0.1%.

(a) Commercial Code(s) (set out in section 10)	(b) Quantity of the substance imported for each Consumer and Commercial Code, reported in kg (rounded to 2 significant digits)	(c) Concentration, or range of concentrations, of the substance by weight (w/w%) in the mixture or product containing the substance
C108.06	1100	0.1%

#### 7.4- Section 7 of Schedule 3 of the notice

If you **used** triclosan during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, you must provide the following:

- In column (a), the applicable Consumer and Commercial code(s) that apply to the mixture or the product that **was manufactured** containing triclosan.
  - Refer to section 10 of schedule 3 of the notice or Section 6.4 of this document for the list of applicable Consumer and Commercial Codes and their corresponding descriptions.
  - 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 must be provided when using this code and the description should be as concise as possible.
- For each applicable Consumer and Commercial Code listed in column (a), you must provide:
  - In column (b), the quantity of substance that was used, reported in kilograms (rounded to 2 significant digits); and
  - in column (c), the concentration or range of concentrations of the substance as a weight percentage, expressed as w/w%, in the mixture or the product that was manufactured using the substance.

#### **Example 9:**

In 2011, you used triclosan, as a formulation component to manufacture a:

- General Purpose Detergent. The applicable Consumer and Commercial Code for the General Purpose Detergents is C106.02 (General Purpose Detergents). The total quantity of triclosan used is 3400 kg and the concentration of triclosan in product is 0.3%.
- Skin Cleanser. The applicable Consumer and Commercial Code for the Skin Cleanser is C108.16 (Skin cleanser). The total quantity of the substance used is 5200 kg. The concentration of triclosan is 0.2% in the cleanser.

(a) Consumer and Commercial Code(s) (set out in section 10)	(b) Quantity of the substance used for each Consumer and Commercial Code, reported in kg (rounded to 2 significant digits)	(c) Concentration, or range of concentrations, of the substance by weight (w/w%) in the mixture or product containing the substance
C106.02	3400	0.3%
C108.16	5200	0.2%

### 7.5- Section 8 of Schedule 3 of the notice

If you **used** triclosan during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, you must provide the name, head office street and mailing addresses, contact name, phone number and e-mail of the **supplier(s)**.

#### **Example 10:**

In 2011, you purchased Product Z containing triclosan, from Company V Inc., in order to manufacture Product Y.

Name, head office street and mailing addresses, contact name, phone number and email of the supplier(s)
Company V Inc 123 Main St., City, NY, USA P.O. Box 123. Ms. Jane Doe (123) 456-7891 Jane.doe@companyv.com

### 7.6- Section 9 of Schedule 3 of the notice

If you **manufactured** or **used** triclosan during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, you must provide the following:

- In column (a), the names, and street address (street, city and province) of the facility or facilities where the substance was manufactured or used;
- in column (b), **for each facility**, a description of the environmental monitoring activities for the substance, including monitoring frequency and methodology. For example, provide information such as:
  - the presence or concentration of the substance in samples from your air emissions, wastewater effluents or waste streams: results of these tests, units, method detection limits as well as sampling and analytical methods used.
  - if not tested: calculated quantities of the substance emitted and/or released (e.g. predicted environmental concentrations), units used, calculation methods, emission factors, supporting data, references, and units used.
- in column (c), **for each facility**, indicate with a “YES” or “NO” whether used storage or transportation containers containing the substance, either alone or in a mixture, were cleaned on site;
- in column (d), **for each facility**, a description of the waste management practices, policies or technological solutions in place to prevent or minimize releases of the substance to the environment, including unintended releases; or to prevent or minimize the potential exposure of individuals in Canada to the substance. Provide a brief summary of your waste management practices, policies or technological solutions as an attachment to your submission;
  - Waste and wastewater management practices, policies or technological solutions relate to means put in place in each facility to prevent or minimize releases of the substance to the environment, or exposure of individuals in

Canada to the substance. Examples of technological solutions include, but are not limited to:

- collection tanks to capture washwater from facility's floors and drains for treatment and/or disposal;
- lagoons and ponds to capture storm water and site run-offs for treatment prior to discharge; and
- primary, secondary or tertiary on/off-site wastewater treatment systems.
- in column (e), for each facility, the total quantity of the substance that was released from the facility to air, water or land, reported in kilograms (rounded to 2 significant digits). If you know the substance was not released, indicate "0";
- in column (f), for each facility, the source of releases to air, water or land;
- in column (g), for each facility, the total quantity of the substance that was treated on-site, or was transferred to an off-site hazardous or non-hazardous waste management facility; and
- in column (h), the name, street address (street, city and province), contact name and phone number for the off-site hazardous or non-hazardous waste management facility to which the substance or used containers containing the substance were transferred.

**Example 11:**

In 2011, you used triclosan to manufacture Product XY at your facility. During the 2011 calendar year, you bought the substance in bulk. A spill caused 1 kg of the substance to be released to water. There is a secondary wastewater treatment system on site. Additionally, 10 kg were transferred to an off-site, hazardous waste management facility.

(a) Names, and street addresses of the facility or facilities	Facility T1, 1 <sup>st</sup> Ave, Big Town, ON
(b) Description of environmental monitoring activities for the substance, including monitoring frequency and methodology	Monthly monitoring of the substance in groundwater (GW) wells upstream (control). GW monitoring results enclosed.
(c) Whether used storage or transportation containers containing the substance, either alone or in a mixture, were cleaned on site (Indicate "yes" or "no")	No
(d) Description of the waste management practices, policies or technological solutions in place to prevent or minimize releases; or to prevent or minimize the potential exposure of individuals in Canada to the substance	Secondary wastewater treatment system on site
(e) Total quantity released in kg to air, water or land (rounded to 2 significant digits)	1 kg
(f) Source of releases to air, water or land	spill
(g) Total quantity in kg treated on-site or transferred to an off-site waste management facility (rounded to 2 significant digits)	10 kg
(h) Name, street address, contact name and phone number for off-site hazardous or non-hazardous waste management facility to which the substance or use containers were transferred	Hazard WM Company 123 10 <sup>th</sup> St. Smalltown, ON Mr. Jack Donahue (416) 333-4444

## 8. 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 substance, mixture or product, you may reasonably be expected to have access to import records and the relevant Material Safety Data Sheet (MSDS). A MSDS is an important source of information on the composition of a purchased product. Note that the goal of the MSDS is to protect the health of the workers, not the environment. Therefore, a MSDS 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 its parent company's information regarding substances, mixtures or products. You are not required to conduct tests to comply with the notice.

## 9. Declaration of Non-Engagement and Declaration of Stakeholder Interest forms

Persons who do not meet the requirements to respond to the Notice and have no current or future interest in triclosan may complete a **Declaration of Non-Engagement form**.

Persons who do not meet the requirements to respond to the Notice, but who have a current or future interest in triclosan, are encouraged to identify themselves as a "stakeholder" for the substance by completing the **Declaration of Stakeholder Interest form**. Interested stakeholders will be included in future mailings regarding the substance and may be contacted for further information regarding their activity or interest in the substance. When completing the form, you should specify your activity or potential activity with the substance (e.g.: import, manufacture, use or export)

The Declaration of Stakeholder Interest form also includes **voluntary information** that stakeholders are encouraged to provide, such as data relating to activity and period of involvement with the substance. This information will help the Government of Canada improve decision making for this substance and ensure all activities are considered before moving forward with further actions regarding triclosan.

The Declaration of Non-Engagement and Declaration of Stakeholder Interest forms are available on the Chemical Substances Web site at:

[www.chemicalsubstanceschimiques.gc.ca](http://www.chemicalsubstanceschimiques.gc.ca)

Note that if you manufactured, imported, used or exported triclosan during the 2011 calendar year, but you did not meet the reporting requirements outlined in Schedule 2 to the notice (e.g., your activity was below the reporting threshold), you are encouraged to respond to the section 71 Notice voluntarily.

## 10. How and to whom do I respond?

A Triclosan reporting form is available on the Chemical Substances Web site:

Responses to the notice must be submitted to the Minister of the Environment, to the attention of the Substances Management Coordinator. A signed copy of the completed s.71 notice must be received by the Substances Management Coordinator by email at Substances @ec.gc.ca, by fax at (819) 953-7155, or by mail at:

**By mail:**

Substances Management Coordinator  
Chemicals Management Plan  
200 Sacré-Coeur Boulevard, 8<sup>th</sup> Floor  
Gatineau QC K1A 0H3

**By courier:**

Substances Management Coordinator  
Chemicals Management Plan  
200 Sacré-Coeur Boulevard, 8<sup>th</sup> Floor  
Gatineau QC J8X 4C6

## 11. What is the deadline for responding?

Every person to whom the notice applies is required to comply with the notice no later than **July 11, 2013, 5 p.m. Eastern Daylight Saving Time.**

## 12. What if I need an extension?

As provided in subsection 71(4) of the Act, you may submit a written request for an extension of time to comply with the notice. The request for an extension should include a reason for the request. Address your request to the Minister of the Environment, to the attention of the Substances Management Coordinator, Chemicals Management Plan, 200 Sacré-Coeur Boulevard, 8<sup>th</sup> Floor, Gatineau QC K1A 0H3. You may send your request by mail, by fax at 819-953-7155 or by e-mail at Substances@ec.gc.ca.

It is important to note that you must request an extension of time before expiry of the **July 11, 2013, 5 p.m. Eastern Daylight Saving 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 business days before July 11, 2013**, so that a request can be processed by the Minister of the Environment before expiry of the deadline.

## 13. Inquiries- whom to contact?

If you have an inquiry, contact the Substances Management Information Line at the following numbers or email address:



- Telephone:  
(800) 567-1999 (Toll free in Canada) or (819) 953-7156 (Outside of Canada)
- Facsimile: (819) 953-7155
- e-mail: [Substances@ec.gc.ca](mailto:Substances@ec.gc.ca) (Indicate in the subject line "CMP Triclosan Inquiry")