



## **Guidance for responding to the *Notice with respect to certain substituted diphenylamine substances* (the notice)**

**Published in the Canada Gazette Part I on June 30, 2012**

This document provides guidance for responding to the notice published in the *Canada Gazette*, Part I, on **June 30, 2012**, 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.

On October 8, 2011, the Minister of the Environment and the Minister of Health published in the *Canada Gazette*, Part I: Vol. 145 No. 41 that approximately 500 substances in nine groups have been selected as priorities for the second phase of the Chemicals Management Plan (CMP 2), and that are planned to be assessed over the coming five years. These substances have been selected for action based on the [categorization](#) exercise completed in 2006 required under section 73 of CEPA 1999, and new information received as part of the CMP 1.

The substituted diphenylamine substances group is based on chemical similarity, and the substances in this group are commonly used in lubricants in Canada. These substances are all potential alternatives for BNST (Benzenamine, N-phenyl-, reaction products with styrene and 2,4,4-trimethylpentene), which is considered to be toxic under CEPA 1999. Prohibition of BNST via regulations currently being proposed, will likely increase the use of these substances, and addressing these substances may inform potential substitution for BNST.

The first step is to collect basic data on the substances listed in Schedule 1 to the notice, in order to update the information available on quantities, uses, properties and commercial status. The information collected from the notice will inform both the human health and ecological risk assessment and possible risk management for this group-based evaluation.

In addition, the Ministers invite the submission of additional information by interested stakeholders. In particular, stakeholders are encouraged to provide data relating to physical-chemical, toxicity or any other properties of a substance, as well as data relating to the extent and nature of the management and stewardship of these substances. Stakeholders may also submit additional information with respect to these substances online, using the Stakeholder Interest Form available on the Government of Canada's Chemical Substances web site.

The **June 30, 2012** notice and all documents related to the collection of information are available through the Government of Canada's Chemical Substances website at [www.chemicalsubstanceschimiques.gc.ca](http://www.chemicalsubstanceschimiques.gc.ca).

## **Information for completion of the June 30, 2012 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 13 substituted diphenylamine substances in order to inform risk assessment and possible risk management activities.

The information collected from the notice may be used for assessing whether a substance is toxic or capable of becoming toxic, or for the purpose of assessing whether to control, or the manner in which to control, a substance.

The type of information being collected includes:

- whether the substances covered under the notice were manufactured, imported or used in Canada during the 2011 calendar year;
- the quantities of these substances manufactured, imported, used, or exported during the 2011 calendar year;
- the industrial sectors involved in the manufacture, import and use of the substances;
- the types of products, mixtures or manufactured items containing the substances;
- the purchasers of the substances;
- chemical identity information;
- release and waste management information
- summary of the manufacturing or use process with substances; and
- available unpublished data or studies on physical-chemical properties, toxicity, metabolism, degradation, or the release of the substances from the final mixture, product or manufactured item.

Persons, including companies, having recent activity with respect to any of these substances may be contacted for follow-up.

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

The notice was published in Part I of the *Canada Gazette*, pursuant to paragraph 71(1)(b) of the Act on **June 30, 2012**. Links to view the notice published in the *Canada Gazette* can be found on the Government of Canada's Chemical Substances website at [www.chemicalsubstanceschimiques.gc.ca](http://www.chemicalsubstanceschimiques.gc.ca).

### 3. What substances are reportable under the notice?

The notice includes a list of 13 substituted diphenylamine substances considered as priority for action and the substances are listed below:

#### Schedule 1 to the Notice

##### Part 1 Substances

<u>CAS RN</u> <sup>1</sup>	Name of the Substance
101-67-7	Benzenamine, 4-octyl- <i>N</i> -(4-octylphenyl)-
4175-37-5	Benzenamine, 4-octyl- <i>N</i> -phenyl-
10081-67-1	Benzenamine, 4-(1-methyl-1-phenylethyl)- <i>N</i> -[4-(1-methyl-1-phenylethyl)phenyl]-
15721-78-5	Benzenamine, 4-(1,1,3,3-tetramethylbutyl)- <i>N</i> -[4-(1,1,3,3-tetramethylbutyl)phenyl]-
24925-59-5	Benzenamine, 4-nonyl- <i>N</i> -(4-nonylphenyl)-
26603-23-6	Benzenamine, ar-octyl- <i>N</i> -(octylphenyl)-
27177-41-9	Benzenamine, ar-nonyl- <i>N</i> -phenyl-

##### Part 2 Substances

<u>CAS RN</u> <sup>1</sup>	Name of the Substance
36878-20-3	Benzenamine, ar-nonyl- <i>N</i> -(nonylphenyl)-
68411-46-1	Benzenamine, <i>N</i> -phenyl-, reaction products with 2,4,4-trimethylpentene
68442-68-2	Benzenamine, <i>N</i> -phenyl-, styrenated
68608-77-5	Benzenamine, 2-ethyl- <i>N</i> -(2-ethylphenyl)-, (tripropenyl) derivs.
68608-79-7	Benzenamine, <i>N</i> -phenyl-, (tripropenyl) derivs.
184378-08-3	Benzenamine, <i>N</i> -phenyl-, reaction products with isobutylene and 2,4,4-trimethylpentene

<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.

#### 4. Who is required to respond to the notice?

As outlined in Schedule 2 to 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 100 kg of a substance listed in Schedule 1 to the notice, at any concentration;
- (b) **imported** a total quantity greater than 100 kg of a substance listed in Schedule 1 to the notice at any concentration, whether alone, in a mixture, or in a product;
- (c) **used** a total quantity greater than 1 000 kg of a substance listed in Schedule 1 to the notice at any concentration, whether the substance is used alone, in a mixture, or in a product, in the manufacture of a mixture, product, or manufactured item.

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

The quantity of a substance that a person manufactured, imported or used should be determined based on the quantity of the substance itself, and not on the quantity of the product, mixture or manufactured item 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 400 kg of Product X that contains 50% of a reportable substance, then a total quantity of 200 kg of the substance was imported. The reporting threshold is met.

2) Company meets the reporting threshold:

In 2011, if your company imported 500 kg of Product X that contains 10% of a reportable substance and 300 kg of Product Y that contains 50% of the same reportable substance, then a total quantity of 200 kg of the substance was imported. The reporting threshold is met.

3) Company does not meet the reporting threshold:

In 2011, if your company manufactured 80 kilograms of a reportable substance, then the reporting threshold is not met.

Subsection 71(3) of the Act states that every person to whom a notice was referred to 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 **October 30, 2012, 5 p.m.** Eastern Daylight Saving Time.

If the person subject to the notice is a company who owns 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.

#### **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, and
- reaction mixture that are characterized in terms of their 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. For the purposes of the notice, 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
- medical devices

It is important to note that for the purpose of this notice, manufactured item excludes automobiles (any four wheeled self propelled vehicle designed for use on highways, which includes but not limited to: light-, medium- and heavy-duty trucks and passenger vehicles, for personal or commercial uses regardless of vehicle weight).

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

- lubricant and grease additives
- adhesives and sealants
- antioxidants
- plastics and rubber additives

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

Schedule 2 to the notice specifies that the notice applies to any person who, during the 2011 calendar year, manufactured a total quantity greater than 100 kg of a substance listed in Schedule 1 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, product or manufactured item containing 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 a substance that is reportable under the notice.

It is important to note that for the purpose of this notice, using a substance listed in Schedule 1 (either alone, in a mixture or in a product) to create or produce a mixture, product or manufactured item would be considered as “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 to the notice specifies that the notice applies to any person who, during the 2011 calendar year, imported a total quantity greater than 100 kg of a substance listed in Schedule 1 to the notice at any concentration, whether alone, in a mixture, or in a product.

Import relates specifically to the movement into Canada from another country of any substance identified in Schedule 1 to the notice or any mixture, or product that contains such a reportable substance.

If you are aware that an imported substance is listed in Schedule 1 to the notice, or that an imported mixture or product contains a substance listed in Schedule 1 to the notice, then you are required to report on this substance if you meet the reporting criteria.

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

#### **Example 2:**

- You purchased a substance listed in Schedule 1 from a foreign supplier, and the substance was shipped directly from the foreign supplier to your location in Canada.
- You ordered a mixture containing a substance listed in Schedule 1 from a foreign source, and the mixture containing the substance was shipped directly from the foreign source to a distribution warehouse in Canada, on your request.
- You received a product containing a substance listed in Schedule 1 to the notice as an internal company transfer from a foreign source.

Your activities do not meet the definition of “import” if you purchased or received a reportable substance or a mixture, product or manufactured item containing a reportable substance that was already located in Canada.

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

Schedule 2 to the notice specifies that the notice applies to any person who, during the 2011 calendar year, used a total quantity greater than 1 000 kg of a substance listed in Schedule 1 to the notice at any concentration, whether the substance is used alone, in a mixture, or in a product, **in the manufacture of** a mixture, product, or manufactured item.

It is important to note that for the purpose of this notice, “**manufactured item**” **excludes automobiles** (any four wheeled self propelled vehicle designed for use on highways, which includes but not limited to: light-, medium- and heavy-duty trucks and passenger vehicles, for personal or commercial uses regardless of vehicle weight).

Examples of uses that would meet the description above include:

##### **Example 3:**

- You blend a substance listed in Schedule 1 with other components to make Mixture Z.
- You react a substance listed in Schedule 1 with Substance C as a chemical intermediate to prepare Product Y.
- You use a substance listed in Schedule 1 as a catalyst to produce Product X.
- A substance listed in Schedule 1 is an impurity within Mixture W. Mixture W is blended with other components to make Mixture V.
- You blend a mixture containing a substance listed in Schedule 1 with other components to produce a manufactured item.

Examples of uses that would **not** meet the description above (i.e. because the use is not in relation to the manufacture of a mixture, product or manufactured item) include:

##### **Example 4:**

- You use Product X which contains a substance listed in Schedule 1 to service machinery and equipment, including machinery and equipment used in the manufacture of your products.
- You purchase Product Y which contains a substance listed in Schedule 1 from your supplier in Canada, and distribute the product to your customers.
- You load a substance listed in Schedule 1 onto a carrier and ship the substance to three other companies.
- You use a manufactured item (i.e. rubber equipment parts) containing a substance listed in Schedule 1, to make equipment.
- You use Product Z which contains a substance listed in Schedule 1, to make a truck.

#### **4.5- Exclusions**

The notice does not apply to a substance in Schedule 1, whether alone, in a mixture or in a product that:

- Is in transit through Canada;
- Is a fuel or fuel additive, or contained in a fuel or fuel additive;
- Is, or is contained in, a pest control product within the meaning of subsection 2(1) of the *Pest Control Products Act*, where that pest control product is registered under the *Pest Control Products Act*, or
- Is contained in a motor oil.

In addition, this notice is **not applicable** if you are using a substance listed in Schedule 1, whether alone, in a mixture or in a product, in the manufacture of a pest control product within the meaning of subsection 2(1) of the *Pest Control Products Act*, where that pest control product is registered under the *Pest Control Products Act*.

However, it is important to note that this notice **is applicable** if you are using a substance listed in Schedule 1, whether alone, in a mixture or in a product, in the manufacture of a motor oil (see Section 4.4 of this document for more information on the reporting requirements for users).

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

Since customers may purchase several different mixtures, products or manufactured items that contain the substance, 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 substances listed 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, 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 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.

For further information on how to submit a blind submission, 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 substances listed in Schedule 1 that were manufactured, imported, used, exported, sold, 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, product or manufactured item 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?

The North American Industry Classification System (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.

You are required to report each applicable six-digit NAICS code with respect to your activity pertaining to the substance, or the product, mixture or manufactured item containing the substance. The code will provide general information on the number and types of sectors involved with the substances listed in the notice.

To determine which NAICS code applies to your activity with 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%20E8me%20de%20classification%20des%20industries%20de%20l'Am%20E9rique%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%20E8me%20de%20classification%20des%20industries%20de%20l'Am%20E9rique%20du%20Nord%20(SCIAN)%20Canada%202012)

### **6.3- What are the Industrial Function Codes and Consumer and Commercial Codes?**

Industrial Function Codes and Consumer and Commercial Codes were developed jointly among the United States Environmental Protection Agency, Health Canada and Environment 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.

For all substances, you are required to report the codes that apply to the industrial function of each reportable substance and/or the consumer and commercial codes that apply to the substance, or the mixture, product, or manufactured item containing the substance. Refer to sections 14 and 15 of the notice or Section 6.4 of the present document for the list of codes and their corresponding descriptions.

**Industrial function code** refers to the intended physical or chemical characteristic for which a chemical substance or mixture is consumed as a reactant; incorporated into a formulation, mixture, reaction product, or article; or used.

**Consumer and Commercial code** refers to the use of a substance, or the mixture, product or manufactured item containing a substance.

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

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

[**Type**] is expressed by either the letter “U” for industrial function or the letter “C” for consumer and commercial.

[**Group #**] is a one-digit number to indicate a grouping of chemical substances or products having similar uses. Industrial function codes are listed in alphabetical order and are not separated into different groups; therefore, all industrial function codes have a group number 0. Six group numbers (groups 1 – 5 and group 9) apply to consumer and commercial codes.

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

Example: Code C203, “Building/Construction Materials - Wood and Engineered Wood Products”, is a consumer and commercial code ([**Type**] is “C”), which belongs to group 2 ([**Group #**] is 2), and is the third code listed in this group ([**Code #**] is 03).

It is important to note that number 999 is reserved for the “Other” code in both industrial function codes (**U999**) and consumer and commercial codes (**C999**). When selecting this code, a written description of the industrial function or the use of the substance, or

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

### Industrial Function Codes

Industrial Function Codes	Title	Description
U001	Abrasives	Substances used to wear down or polish surfaces by rubbing against the surface.
U002	Adhesives and sealant substances	Substances used to promote bonding between other substances, promote adhesion of surfaces, or prevent seepage of moisture or air.
U003	Adsorbents and absorbents	Substances used to retain other substances by accumulation on their surface or by assimilation.
U004	Agricultural substances (non-pesticidal)	Substances used to increase the productivity and quality of farm crops.
U005	Anti-adhesive agents	Substances used to prevent bonding between other substances by discouraging surface attachment.
U006	Bleaching agents	Substances used to lighten or whiten a substrate through chemical reaction, usually an oxidative process which degrades the color system.
U007	Corrosion inhibitors and anti-scaling agents	Substances used to prevent or retard corrosion or the formation of scale.
U008	Dyes	Substances used to impart color to other materials or mixtures by penetrating into the surface of the substrate.
U009	Fillers	Substances used to provide bulk, increase strength, increase hardness, or improve resistance to impact.
U010	Finishing agents	Substances used to impart such functions as softening, static-proofing, wrinkle resistance, and water repellence.
U011	Flame retardants	Substances used on the surface of or incorporated into combustible materials to reduce or eliminate their tendency to ignite when exposed to heat or a flame.
U012	Fuels and fuel additives	Substances used to create mechanical or thermal energy through chemical reactions, or which are added to a fuel for the purpose of controlling the rate of reaction or limiting the production of undesirable combustion products, or which provide other benefits such as corrosion inhibition, lubrication, or detergency.
U013	Functional fluids (closed systems)	Liquid or gaseous substances used for one or more operational properties in a closed system. This code does not include fluids used as lubricants.
U014	Functional fluids (open systems)	Liquid or gaseous substances used for one or more operational properties in an open system.
U015	Intermediates	Substances consumed in a reaction to produce other substances for commercial advantage.
U016	Ion exchange agents	Substances that are used to selectively remove targeted ions from a solution. This code also includes aluminosilicate zeolites.
U017	Lubricants and lubricant additives	Substances used to reduce friction, heat, or wear between moving parts or adjacent solid surfaces, or that enhance the lubricity of other substances.
U018	Odor agents	Substances used to control odors, remove odors, mask odors, or impart odors.
U019	Oxidizing or reducing agents	Substances used to alter the valence state of another substance by donating or accepting electrons or by the addition or removal of hydrogen to a substance.

U020	Photosensitive substances	Substances used for their ability to alter their physical or chemical structure through absorption of light, resulting in the emission of light, dissociation, discoloration, or other chemical reaction.
U021	Pigments	Substances used to impart color to other materials or mixtures by attaching themselves to the surface of the substrate through binding or adhesion.
U022	Plasticizers	Substances used in plastics, cement, concrete, wallboard, clay bodies, or other materials to increase their plasticity or fluidity.
U023	Plating agents and surface treating agents	Substances applied to metal, plastic, or other surfaces to alter physical or chemical properties of the surface.
U024	Process regulators	Substances used to change the rate of a reaction, start or stop the reaction, or otherwise influence the course of the reaction.
U025	Processing aids, specific to petroleum production	Substances added to water, oil, or synthetic drilling muds or other petroleum production fluids to control foaming, corrosion, alkalinity and pH, microbiological growth or hydrate formation, or to improve the operation of processing equipment during the production of oil, gas, and other products or mixtures from beneath the earth's surface.
U026	Processing aids, not otherwise covered in this table	Substances used in applications other than the production of oil, gas, or geothermal energy to control foaming, corrosion or alkalinity and pH, or to improve the operation of processing equipment.
U027	Propellants and blowing agents	Substances used to dissolve or suspend other substances and either to expel those substances from a container in the form of an aerosol or to impart a cellular structure to plastics, rubber, or thermo set resins.
U028	Solids separation agents	Substances used to promote the separation of suspended solids from a liquid.
U029	Solvents (for cleaning or degreasing)	Substances used to dissolve oils, greases and similar materials from textiles, glassware, metal surfaces, and other articles.
U030	Solvents (which become part of formulation or mixture)	Substances used to dissolve another substance to form a uniformly dispersed solution at the molecular level.
U031	Surface active agents	Substances used to modify surface tension when dissolved in water or water solutions, or reduce interfacial tension between two liquids or between a liquid and a solid or between liquid and air.
U032	Viscosity adjustors	Substances used to alter the viscosity of another substance.
U033	Laboratory substances	Substances used in a laboratory for chemical analysis, chemical synthesis, extracting and purifying other chemicals, dissolving other substances, and similar activities.
U034	Paint additives and coating additives not otherwise covered in this table	Substances used in a paint or coating formulation to enhance properties such as water repellence, increased gloss, improved fade resistance, ease of application or foam prevention.
U061	Pest control substances	Substances used as active ingredients or formulants in products, mixtures or manufactured items used for directly or indirectly controlling, destroying, attracting or repelling a pest or for mitigating or preventing its injurious, noxious or troublesome effects.
U999	Other (specify)	Substances with an industrial function not otherwise described in this table. A written description of the industrial function must be provided when using this code.

## Consumer and Commercial Codes

### List of *Consumer and Commercial* Code Groups

Group #	Group Description
1	Chemical substances in furnishing, cleaning, treatment or care
2	Chemical substances in construction, paint, electrical or metal
3	Chemical substances in packaging, paper, plastic or hobby
4	Chemical substances in automotive, fuel, agriculture or outdoor use
5	Chemical substances in items for food, health or tobacco
9	Substances in products, mixtures or manufactured items not described by other codes

**Table 1: Substances in furnishings, cleaning, treatment or care**

Consumer and Commercial Codes	Title	Description
C101	Floor Coverings	Substances contained in floor coverings.
C102	Foam Seating and Bedding	Substances contained in foam mattresses, pillows, cushions, and any seating, furniture and furnishings containing foam.
C103	Furniture and Furnishings not otherwise covered in this table	Substances contained in furniture and furnishings made from metal, wood, leather, plastic or other materials.
C104	Fabric, Textile and Leather articles not otherwise covered in this table	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.
C105	Cleaning and Furnishing Care	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.
C106	Laundry and Dishwashing	Substances contained in laundry and dishwashing products, mixtures or manufactured items.
C107	Water Treatment	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.
C108	Personal Care	Substances contained in personal care products, mixtures or manufactured items that are used for cleansing, grooming, improving or altering skin, hair, or teeth.
C109	Air Care	Substances contained in products, mixtures or manufactured items that are used to odorize or de-odorize indoor air in homes, offices, motor vehicles, and other enclosed spaces.
C110	Apparel and Footwear Care	Substances contained in apparel and footwear care products, mixtures or manufactured items that are applied post-market.
C160	Pet Care	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.

**Table 2: Substances in construction, paint, electrical or metal**

<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.
C203	Building or Construction Materials - Wood and Engineered Wood	Substances contained in building and construction materials made of wood and pressed or engineered wood products, mixtures or manufactured items.
C204	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	Substances contained in electrical and electronic products, mixtures or manufactured items.
C206	Metal materials not otherwise covered in this table	Substances contained in metal products, mixtures or manufactured items not otherwise covered in this table.
C207	Batteries	Substances contained in non-rechargeable and rechargeable batteries including dry and wet cell units that store energy.

**Table 3: Substances in packaging, paper, plastic or hobby**

<b>Consumer and Commercial Codes</b>	<b>Title</b>	<b>Description</b>
C301	Food Packaging	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.
C302	Paper Products, mixtures or manufactured items	Substances contained in paper products, mixtures or manufactured items.
C303	Plastic and Rubber materials not otherwise covered in this table	Substances contained in rubber and plastic products, mixtures or manufactured items not otherwise covered in this table.
C304	Toys, Playground and Sporting Equipment	Substances contained in toys, playground, and sporting equipment made of wood, metal, plastic or fabric.
C305	Arts, Crafts and Hobby Materials	Substances contained in arts, crafts, and hobby materials.
C306	Ink, Toner and Colourants	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.
C307	Photographic supplies, film and photo-chemicals	Substances contained in photographic supplies, film, photo-processing substances, and photographic paper.

**Table 4: Substances in automotive, fuel, agriculture or outdoor use**

<b>Consumer and Commercial Codes</b>	<b>Title</b>	<b>Description</b>
C401	Automotive Care	Substances contained in products, mixtures or manufactured items used in automotive cleaning and care of exterior and interior vehicle surfaces.
C402	Lubricants and Greases	Substances contained in products, mixtures or manufactured items to reduce friction, heat generation and wear between solid surfaces.
C403	Anti-Freeze and De-icing	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.
C404	Fuels and Related Products, mixtures or manufactured items	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.
C405	Explosive Materials	Substances capable of producing a sudden expansion, usually accompanied by the production of heat and large changes in pressure upon ignition.
C406	Agricultural Products, mixtures or manufactured items (non-pesticidal)	Substances used to increase the productivity and quality of plants, animals, or forestry crops, produced on a commercial scale.
C407	Lawn and Garden Care	Substances contained in lawn, garden, outdoor or potted plant, and tree care products, mixtures or manufactured items.
C461	Pest Control	Substances contained in any product, mixture or manufactured item for directly or indirectly controlling, preventing, destroying, mitigating, attracting, or repelling any pest.
C462	Automotive, Aircraft and Transportation	Substances contained in automobiles, aircraft and other types of transportation, or used in their manufacture.

**Table 5: Substances in items for food, health or tobacco**

<b>Consumer and Commercial Codes</b>	<b>Title</b>	<b>Description</b>
C562	Food and Beverage	Substances contained in food and beverage products, mixtures or manufactured items.
C563	Drugs	Substances contained in prescription and non-prescription drugs intended for humans or animals.
C564	Natural Health	Substances used in natural health products, mixtures or manufactured items intended for humans or animals.
C565	Medical Devices	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.
C566	Tobacco Products, mixtures or manufactured items	Substances contained in a product, mixtures or manufactured items composed in whole or in part of tobacco, including tobacco leaves and any extract of tobacco leaves.

**Table 6: Substances in products, mixtures or manufactured items not described by other codes**

<b>Consumer and Commercial Codes</b>	<b>Title</b>	<b>Description</b>
C999	Other (specify)	Substances contained in products, mixtures or manufactured items that are not described within any other Consumer and Commercial Code. A written description of the product, mixture or manufactured item 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 stormwater collection and/or treatment systems, spills and leaks;
- releases to land - underground injections, discharges to groundwater, and 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, product or manufactured item containing the substance, to a facility, including a third party facility, which will handle, recycle or dispose of the substance (either as a recyclable, 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 of the notice**

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

- If you manufactured a substance listed in Part 1 of Schedule 1:
  - complete sections 4, 6, 7, 8, 9, 10, 12 and 13 in Schedule 3;
- If you manufactured a substance listed in Part 2 of Schedule 1:
  - complete sections 4, 6, 7, 8, 9, 10, 11, 12 and 13 in Schedule 3;
- If you imported a substance listed in Schedule 1, at a concentration less than 0.1 percent by weight:
  - complete sections 4 and 5 in Schedule 3;

- If you imported a substance listed in Schedule 1, at a concentration equal to or above 0.1 percent by weight:
  - complete sections 4, 6, 7, 8, 9, 10 and 12 in Schedule 3;
- If you used a substance listed in Schedule 1, at a concentration less than 0.1 percent by weight:
  - Complete sections 4 and 5 in Schedule 3;
- If you used a substance listed in Part 1 of Schedule 1, at a concentration equal to or above 0.1 percent by weight:
  - complete sections 4, 6, 7, 8, 9, 10, 12 and 13 in Schedule 3;
- If you used a substance listed in Part 2 of Schedule 1, at a concentration equal to or above 0.1 percent by weight:
  - complete sections 4, 6, 7, 8, 9, 10, 11, 12 and 13 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 of the notice, if any of the information required under Schedule 3 to the notice was submitted to the Minister of the Environment, after January 1, 2007, it may be relied on as a response to any question in Schedule 3 to 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 to the notice; and
- the person provides the following information:
  - the CAS RN of the substance(s) to which the submitted information relates;
  - the specific section; subsection; or paragraph to the notice to which the submitted information relates;
  - for each CAS RN, 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 5:**

During a voluntary data collection initiative, you provided 2010 data to the Minister of the Environment for a substance listed in Schedule 1 to the notice, 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.

**7.1- Section 4 of Schedule 3****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 a 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

For each substance listed in Schedule 1 that you **imported**, or **used**, during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, at a concentration less than 0.1 percent by weight (w/w %), you must provide the following:

- in column (a), CAS RN of the substance
- in column (b), name of the substance
- in column (c), the applicable Consumer and Commercial Code(s) that apply to the substance alone, or to the mixture, product or manufactured item containing the substance listed in column (a).
  - 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 use of the substance, or the mixture, product or manufactured item containing the substance, must be provided when using this code and the description should be as concise as possible;
- in column (d), 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, product or manufactured item containing the substance reported in column (a).

#### **Example 6:**

In 2011, you imported 1000 kg of a substance listed in Schedule 1 within a product, at a concentration of less than 0.1 w/w%. Your primary activity with the product is manufacturing metal cutting tools, which has the applicable NAICS code 33351. You use the product as a lubricant within your metalworking operations where you provide saleable goods and services containing the substance to customers. This activity has the applicable Consumer and Commercial Code C402.

<i>(a)</i> CAS RN	<i>(b)</i> Name of substance	<i>(c)</i> Consumer and Commercial Code(s) (set out in section 15 of the notice)	<i>(d)</i> NAICS code(s)
XXX-XX-X	XXXX	C402	33351

### 7.3- Section 6 of Schedule 3

For each substance listed in Schedule 1 that you **manufactured**, **imported**, or **used**, during the 2011 calendar year, in respect of which you meet the criteria set out in

Schedule 2, at a concentration equal to or above 0.1 percent by weight (w/w%), you must provide the following:

- in column (a), CAS RN of the substance
- in column (b), name of the substance
- in column (c), the total quantity of the substance that was manufactured, imported, used, or exported. If more than one activity is applicable for a CAS RN, report the information as separate entries.
- in column (d), 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, product, or manufactured item containing the substance reported in column (a).

**Example 7:**

In 2011, you imported a total of 200 642 kg of a substance listed in Schedule 1 (CAS RN XXX-XX-X), which was contained within an adhesive at a concentration greater than 0.1 w/w%. Of the quantity imported, 19 000 kg was used at your facility in Ontario (Canada) and 10 642 kg of the substance was exported to your facility in Ohio (United States). Your primary activity with the adhesive is using it to manufacture medical devices (NAICS code 339110).

In 2011, you also imported a total of 100 000 kg of a substance listed in Schedule 1 (CAS RN YYY-YY-Y), which was contained in engine oil at a concentration greater than 0.1% w/w%.

(a) CAS RN	(b) Name of substance	(c) Quantity of the substance in kg (rounded to 2 significant digits)				(d) NAICS code(s)
		Manufactured in 2011	Imported in 2011	Used in 2011	Exported in 2011	
XXX-XX-X	XXXXX		200 000			339110
				19 000		
					11 000	

**\*Note:** since CAS RN YYY-YY-Y is contained in engine oil, it is not required to be reported in the table, since the notice does not apply to substances contained in motor oil.

**7.4- Section 7 of Schedule 3**

For each substance listed in Schedule 1, that you **manufactured, imported or used**, during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, at a concentration equal to or above 0.1 percent by weight (w/w%), you must provide the following:

- in column (a), CAS RN of the substance
- in column (b), the applicable Industrial Function Code(s) that apply to the function of the substance as listed in column (a).
  - **Industrial function** refers to the intended physical or chemical characteristic for which a chemical substance or mixture is consumed as a

reactant; incorporated into a formulation, mixture, reaction product, or article; or used. For example:

- Substance is added to a mixture to reduce friction between moving parts in a machine or mechanism.
- Substance is applied to the surface of a product to reduce its tendency to ignite when exposed to heat.
- Choose the Industrial Function Code(s) that are consistent with the most complete and accurate information available to you.
- If the substance has an industrial function that is not described within any of the Industrial Function Codes provided, then code U999 should be used. A written description of the industrial function of the substance must be provided when using this code and the description should be as concise as possible;

**Example 8:**

In 2011, you imported a substance listed in Schedule 1 at a concentration greater than 0.1 w/w% and used it as an antioxidant in the making of your lubricant additive packages (Industrial Function Code U017).

(a) CAS RN	(b) Applicable Industrial Function Code(s) (set out in section 14 of the notice)
<b>XXX-XX-X</b>	<b>U017</b>

**7.5- Section 8 of Schedule 3**

For each substance listed in Schedule 1, that you **manufactured, imported or used**, during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, at a concentration equal to or above 0.1 percent by weight (w/w%), you must provide the following:

- in column (a), CAS RN of the substance
- In column (b), applicable Consumer and Commercial Code(s) that apply to the substance alone, or to the mixture, product or manufactured item containing the substance listed in column (a).
  - 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 use of the substance, or the mixture, product or manufactured item containing the substance, must be provided when using this code and the description should be as concise as possible;
  - If Code C402 (Lubricants and greases) is applicable, you are also encouraged to provide a description of the final application. For example:
    - Automotive applications: automotive engine oils; heavy duty diesel oils; transmission and hydraulic oils; or heavy duty gear oils.

- Industrial applications : hydraulic oils; turbine, bearing and circulating oils; industrial gear oils; natural gas engine oils; marine engine oils; railroad engine oils; metalworking fluids; or other lubricants used in industrial equipment.
- in column (c), the total quantity of the substance for each applicable Consumer and Commercial Code listed in column (b)
- in column (d), for each applicable Consumer and Commercial Code listed in column (b), the known or anticipated final substance, mixture, product or manufactured item containing the substance
- in column (e), for each applicable Consumer and Commercial Code listed in column (b), the concentration, or range of concentrations, of the substance by weight (w/w%) in the known or anticipated final substance, mixture, product or manufactured item containing the substance
- in column (f), for each applicable Consumer and Commercial Code listed in column (b), the top five trade names representing the highest aggregate quantity of the substance. Trade names provided should be the trade names of your final substance, mixture, product, or manufactured item containing the substance.
- in column (g), (h) and (i), for each applicable Consumer and Commercial Code listed in column (b), indicate with a “YES” or “NO” whether any known or anticipated final substance, mixture, product or manufactured item containing the substance is intended for use in commercial activities, for use in consumer activities, or for use by children.
  - Not all persons responding to the notice may know the exact or anticipated final use of the substance or the substance in the mixture, product or manufactured item, therefore, when completing this section of the notice, respond using the most complete and accurate information available to you.
  - **Commercial activity** refers to the use of a substance or the use of a mixture, product or manufactured item containing a substance, by a commercial enterprise providing saleable goods or services. For example:
    - Substance is contained in a mixture, and the mixture is sold to an enterprise as an automotive cleaning product.
    - Substance is contained in a product that is used by a company when providing their painting services to other persons or companies.
  - **Consumer activity** refers to the use of a substance that is directly, or as part of a mixture, a product, or a manufactured item, sold to or made available to consumers for their use in or around a permanent or temporary household or residence, a school, or a recreational area. For example:
    - Substance is contained in a product that is sold to consumers as a personal care product for cleaning teeth.
    - Substance is contained in food packaging items that are sold to consumers for their personal use.
  - When responding to whether the known or anticipated final substance, mixture, product, or manufactured item containing the reportable

substance is intended for use by children, the following guidance can be considered:

In the spirit of harmonization with the U.S. EPA TSCA Inventory Update Reporting, for the purposes of the notice only, "children" are defined as the age of 14 or younger. Your substance, whether alone, in a mixture, in a product or in a manufactured item, is intended for use by or for children when you answer "yes" to at least one of the following questions:

1. Is the substance, whether alone, in a mixture, in a product, or in a manufactured item commonly recognized (i.e., by a reasonable person) as being intended for children age 14 or younger?
2. Does the manufacturer of the substance, or mixture, product, or manufactured item containing the substance, state through product labeling or other written materials that the product is intended for or will be used by children age 14 or younger?
3. Is the advertising, promotion, or marketing of the substance, or mixture, product, or manufactured item containing the substance, aimed at children age 14 or younger?

For example, among other items, certain manufactured items such as crayons, coloring books, diapers, and toy cars are typically to be used by children age 14 or younger. Certain products and manufactured items such as household cleaning products, automotive supplies, and lubricants are not typically intended to be used by children age 14 or younger.

**Example 9:**

In 2011, you imported 1 024 kg of a substance listed in Schedule 1, which was used in the manufacturing of rubber products (Consumer and Commercial Code C303) at a concentration greater than 0.1 w/w%. The final manufactured items containing this substance were sporting equipment. The concentration of the substance within the sporting equipment is 0.02 w/w%. The sporting equipment is intended for consumer activities in gyms designed for adults. The tope trade names of the sporting equipment were Part 123456 and Item X.

(a) CAS RN	(b) Consumer and Commercial Code(s) (set out in section 15 of the notice)	(c) Total quantity of the substance reported in kg (rounded to 2 significant digits)	(d) Known or anticipated final substance, mixture, product or manufactured item containing the substance	(e) Concentration, or range of concentrations, of the substance by weight (w/w%) in the known or anticipated final substance,	(f) Top five trade names representing the highest aggregate quantity of the substance, if applicable	(g) Whether any known or anticipated final substance, mixture, product or manufactured item containing	(h) Whether any known or anticipated final substance, mixture, product or manufactured item containing the substance	(i) Whether any known or anticipated final substance, mixture, product or manufactured item containing the substance
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				mixture, product or manufactured item containing the substance		the substance is intended for use in commercial activities? (Indicate "yes" or "no")	is intended for use in consumer activities? (Indicate "yes" or "no")	is intended for use by or for children? (Indicate "yes" or "no")
XXX-XX-X	C303	1 000	Sporting equipment	0.02	Part 123456 Item X	No	Yes	No

### 7.6- Subsection 9(1) of Schedule 3

For each substance listed in Schedule 1, that you **manufactured, imported or used**, during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, at a concentration equal to or above 0.1 percent by weight (w/w%), you must provide the following:

- In column (a), the CAS RN of the substance
- In column (b), list the endpoint that you have submitted unpublished data or studies on, for the CAS RN listed in column (1). The endpoints for the specific CAS RNs which data or studies are needed are identified in the Endpoint Table below with an x. **Full data or studies should be submitted** as an attachment to your submission.
- In column (c), the title(s) of the unpublished data or studies that have been submitted for the endpoint listed in column (b)



**Example 10:**

A person who responds to the notice possesses unpublished studies on ecotoxicity and biodegradation for a substance listed in Schedule 1, as indicated in the Endpoint Table.

<i>(a)</i> CAS RN	<i>(b)</i> Unpublished data or studies submitted (Indicate corresponding data types of the submitted data or studies for each CAS RN)	<i>(c)</i> Study title(s) for the data or studies submitted in paragraph <i>(b)</i>
XXX-XX-X	Ecotoxicity	<p>A 48-hour flow-through acute toxicity test with <i>Daphnia magna</i> (Peter et al. 1999)</p> <p>Investigation of biodegradation in sludge, sediments and soil (Johnson et al. 2001)</p> <p>Ready biodegradability by the carbon dioxide evolution test method (Tremblay J. 2009)</p>

**7.7- Subsection 9(2) of Schedule 3**

For each substance listed in Schedule 1, that you **manufactured, imported or used**, during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, at a concentration equal to or above 0.1 percent by weight (w/w%), you must provide the following:

- In column (a), the CAS RN of the substance
- In column (b), the study title(s) of any **additional** unpublished data or studies, other than the human health and ecological endpoints identified in subsection 9(1) for the CAS RN, regarding physical-chemical properties, bioaccumulation, persistence, toxicity, metabolism, degradation or the release of the substance from the final mixture, product, or manufactured item.

For the purposes of the notice, data is considered "unpublished" if it cannot be readily found using standard search engines (e.g. Scopus, Pubmed, Toxline, etc.). **The title(s) of additional unpublished data or studies submitted can be from any calendar year.**

**Example 11:**

A person who responds to the notice possesses unpublished data on mammalian toxicity for a substance listed in Schedule 1.

<i>(a)</i> CAS RN	<i>(b)</i> Study title(s) for additional unpublished data or studies not submitted in paragraph (1)(b)
XXX-XX-X	Acute toxicity study on rats for CAS RN XXX-XX-X (Peterson et al. 2005)

### 7.8- Section 10 of Schedule 3

For each substance listed in Schedule 1 that you **manufactured, imported or used**, in respect of which you meet the criteria set out in Schedule 2, at a concentration equal to or above 0.1 percent by weight (w/w%), and sold greater than 100 kg during the 2011 calendar year, you must provide the following:

- in column (a), the CAS RN of the substance sold to each person identified in column (b)
- in column (b), the names and street addresses (street, city and province) of a maximum of 20 persons in Canada to whom the largest quantity of the substance above 100 kg was sold during the 2011 calendar year, whether sold alone, in a mixture, in a product or in a manufactured item.
- in column (c), the total quantity of the substance that was sold to each person listed in column (b), whether sold alone, in a mixture, in a product and/or in a manufactured item.

#### **Example 12:**

In 2011, you manufactured 500 kg of a substance listed in Schedule 1 and sold it to three companies in Canada (225kg to Company A Inc. in Big Town ON, 200 kg to Company B Inc. in Hometown BC, and 75 kg to Company C Inc. in Snowyville PEI).

(a) CAS RN	(b) Names and street addresses of a maximum of 20 persons in Canada to whom the largest quantity of the substance above 100 kg was sold	(c) Total quantity of the substance sold to each person identified in paragraph (b) in kg (rounded to 2 significant digits)
XXX-XX-X	Company A Inc. 200 1 <sup>st</sup> avenue, Big Town, ON	230
XXX-XX-X	Company B Inc. 751 Main street, Hometown, BC	200

\*Note: Company C is not included, since you sold the company <100 kg of the substance.

### 7.9- Section 11 of Schedule 3

For each substance listed in Part 2 of Schedule 1 that you **manufactured or used**, during the 2011 calendar year in respect of which you meet the criteria set out in Schedule 2, at a concentration equal to or above 0.1 percent by weight (w/w%), you must provide the following:

- in column (a), the CAS RN of the substance
- in column (b), the chemical identity or CAS RN of the reactants or components of the substance. Each reactant or component identified should at minimum level of specificity represent a distinct homologous group with a unique molecular formula and weight. Chemical identity is to be represented by CAS RN where known, otherwise a description including representative structures of the components can be provided.
- in column (c), the concentration or range of concentration of each reactant or component listed in column (b) as a weight percentage (w/w%) in the formation of the substance listed in column (a)
- in column (d), the supporting analytical data and method used to identify the reactants or components listed in column (b)

The supporting analytical data and methods used to identify the reactants or components of the substance may include: chromatograms; spectral analyses (e.g., C or H-nuclear magnetic resonance (NMR) spectra data, infrared or UV-VIS spectra data, mass spectra (MS) or atomic absorption spectra (AAS) data); and/or reference to peer reviewed articles supporting chemical identity and concentration information, or reference to industry or analytical standards such as the color index or International Organization for Standardization (ISO)-Standards for essential oils.

When analytical information is submitted, ensure that sufficient detail of the methodology is provided such that concentration and/or chemical identity information may be interpreted from the information provided.

You may wish to contact your supplier to obtain information on the chemical identity of the reactants or components of the substance. If the information is not available, you can provide representative structures for the substance.

**Example 13:**

In 2011, you imported 1 000 kg of a substance listed in Part 2 of Schedule 1 from one supplier. The supplier has indicated that the substance is composed of Component A at 30-35% and Component B at 65-70%, and provided you with UV-VIS spectra data.

<i>(a)</i> CAS RN	<i>(b)</i> Chemical identity or CAS RN of the reactants or components of the substance	<i>(c)</i> Concentration or range of concentrations of each reactant or component listed in paragraph <i>(b)</i> (w/w%)	<i>(d)</i> Supporting analytical data and method used to identify the reactants or components listed in paragraph <i>(b)</i>
XXX-XX-X	Component A (CAS RN xx)	30-35	UV-VIS spectra was used as per Smith et al. 1994. Supplementary data attached.
	Component B (CAS RN xx)	65-70	

### **7.10-Section 12 of Schedule 3**

For each substance listed in Schedule 1 that you **manufactured, imported, or used**, during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, at a concentration equal to or above 0.1 percent by weight (w/w%), you must provide the following:

- in column (a), CAS RN of the substance
- in column (b), the name, and street address (street, city and province) of the facility or facilities where the substance was manufactured or used, or imported to
- in column (c), 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.
  - for releases of the substance to air: indication as to whether the emissions are from point source or fugitive, the duration and frequency of the emissions, and ground concentration (specify the units).
- in column (d), 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 (e), 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:
    - scrubbers and bag filters to prevent releases to air;
    - 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;
    - oil-water separators; and
    - primary, secondary or tertiary on/off-site wastewater treatment equipment systems.

- in column (f), for each facility, the total quantity of the substance that was released from the facility to air, water or land. If you know the substance was not released, indicate “0”.
- in column (g), for each facility, the source of releases to air, water or land
- in column (h), for each facility, the total quantity of the substance whether alone, in a mixture, in a product or in a manufactured item, that was treated on-site, or that was transferred to an off-site hazardous or non-hazardous waste management facility;
- in column (i), 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, whether alone, in a mixture, in a product or in a manufactured item, were transferred.

For columns (f), (g) and (h), refer to Section 6.5 and 6.6 of this document for more information and examples on releases and transfers.

The effectiveness of environmental technologies is particularly important in exposure analysis, and you are encouraged to provide this data via the stakeholder interest form (see Section 9 of this document for more information on submitting voluntary information). In particular, the effectiveness refers to, for example, meeting specific regulatory limits or the removal efficiency rate of the wastewater treatment system or air pollution control devices used, including input and output data, units used, number of operating hours or days per year of the control technology, and whether the control technology is bypassed for maintenance or if it remains in operations during routine process shut down.

It is important to note that in the absence of this information, generic emission factors may be used.

**Example 14:**

In 2011, you imported 5 000 kg of a substance listed in Schedule 1 in a lubricant shipped to you in bulk (15 tonnes ISO tank). You then stored the container at your facility in Big Town ON, before repackaging the lubricant into smaller containers (250-litre drums) for sale to your customers. You have release prevention measures in place at the facility. An accidental spill occurred in July 2011 at your site, which resulted in 1 kg of the substance being released to water, and 10 kg of the substance being transferred to an off-site hazardous waste management facility. You subsequently monitored specifically for the presence of the substance in the receiving environment.

(a) CAS RN		XXX-XX-X	
(b) Name, and street addresses of the facility or facilities		AAP, 200 1 <sup>st</sup> Ave., Big Town, ON	
(c) Description of environmental monitoring activities for the substance, including monitoring frequency and methodology		Monitored monthly the substance in groundwater (GW) wells upstream (control) and downstream (2 wells) of spill site for a total of 6 sampling events (Jul. to Dec. 2011) using enclosed sampling and analytical methods by Lab Inc. GW monitoring results enclosed.	
(d) Whether used storage or transportation containers containing the substance, either alone or in a mixture, were cleaned on site (Indicate "yes" or "no")		No, containers are returned to Supplier A, Waterville, IL	
(e) 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		<p>Pumping of the lubricant from the tank to the drums is automated; valves and equipment are computer-controlled. Lines are flushed with oil between products; no water is used in the process. A bermed area is used to collect accidental spills from the tank and a secondary containment area is used within the facility to collect drips and spills during repackaging operations.</p> <p>Facility's floor drains are connected to a collection system emptied once every 6 months by hazardous waste company A.</p> <p>An emergency holding pond is used to capture site run-offs; the discharge from the pond (mainly, accumulated rain water and melting snow) is sent to an on-site oil water separator (OWS) prior to being released to the municipal wastewater system. Releases from the OWS contain well below 1 mg/L of oil and grease (hydrocarbons). Our provincial permit limit is 50 mg/L of oil and grease. Absorbents are used to clean up drips and spills on the floor, if any.</p> <p>Used absorbents are sent off-site for incineration or disposal.</p>	
(f) Total quantity released in kg to air, water or land (rounded to 2 significant digits)		(g) Source of releases to air, water or land	
Air		0	n/a
Water		1	Spill (one event)
Land		0	n/a
(h) Total quantity in kg treated on-site or transferred to an off-site waste management facility (rounded to 2 significant digits)	On-site waste treatment	0	
	Off-site hazardous waste	10	
	Off-site non-hazardous waste	0	
(i) 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		<p>Used absorbents: M. Newton, City of Big Town WMF, Incinerator Rd, Big Town, ON (416-222-2222)</p> <p>Wastes from collection tank: N. Felts, HW A, Toronto, ON, (905-111-1111)</p>	

### 7.11-Section13 of Schedule 3

For each substance listed in Schedule 1 that you **manufactured**, or **used**, during the 2011 calendar year, in respect of which you meet the criteria set out in Schedule 2, at a concentration equal to or above 0.1 percent by weight (w/w%), you must provide the following:

- in column (a), CAS RN of the substance
- in column (b), the name, and street address (street, city and province) of the facility or facilities where the substance was manufactured or where the substance was used alone, in a mixture, or in a product, in the manufacture of a mixture, product, or manufactured item.
- in column (c), for each facility, a summary of the manufacturing or the use process including the nature of the process, identifying major steps in the operation and chemical conversions. The summary of the nature of the manufacturing or use process can include, for example:
  - whether it is a batch or continuous process, open or closed process, dry or wet process, or process using closed-loop, pressurized or vacuum system;
    - if the substance is used in a batch process: the maximum kg/batch (100% chemical substance basis), hours/batch and batches/year, or
    - if the substance is used in a continuous process: the maximum kg/day (100% chemical substance basis), hours/day and days/year
  - the scale of the process including facility production rates; and
  - the process equipment cleaning frequency (e.g., per day or per batch) and type of cleaning solution, if used (e.g., steam, hot water, aqueous caustic solution, and toluene).
- in column (d), for each facility, a flow diagram of the manufacturing or the use process, including releases and the points of entry of feedstocks. The flow diagram of the manufacturing or use process can include features such as:
  - Identity of entry and exit points of incoming and outgoing materials containing the substance (e.g., feedstocks, reactants, solvents, catalysts, and waste products);
  - Reuse and recycling streams, if any; and
  - All streams and points of release of the substance (or product or manufactured item containing the substance) throughout any of its lifecycle stages (e.g., during transportation; handling including storage and repackaging, processing or manufacturing) including open drains and discharge points.

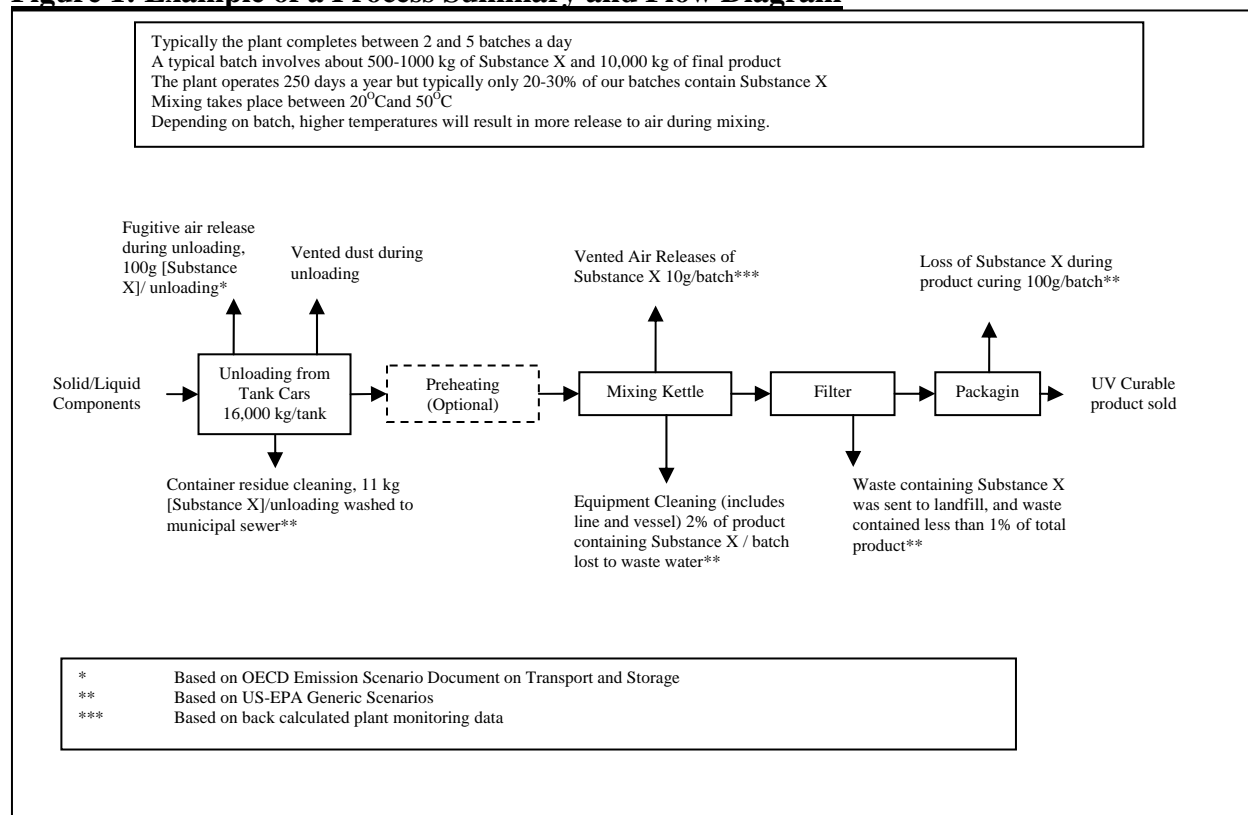
In responding to this question, one description and one flow diagram per manufacturing or use process can be provided for all of the substances related to that process. Note that flow diagrams should be provided as an attachment to your submission.

**Example 15:**

In 2011, you used a substance listed in Schedule 1 at two of your facilities (Facility A and Facility B) to produce Product Z. The use process is the same at both facilities.

<i>(a)</i> CAS RN	<i>(b)</i> Name, and street addresses of the facility or facilities	<i>(c)</i> Summary of the manufacturing or the use process including the nature of the process, identifying major steps in the operation and chemical conversions	<i>(d)</i> Flow diagram of the manufacturing process or the use process, including the points of entry of feedstocks and releases
XXX-XX-X	<b>Facility A</b> <b>123 First Street</b> <b>Toronto ON</b>	<b>Description of your operations at each facility.</b>	<b>For example: descriptive site plans, process diagrams, flow charts, site wastewater treatment plant diagrams, etc. for each facility.</b>
XXX-XX-X	<b>Facility B</b> <b>456 Snow Street</b> <b>Montreal QC</b>	<b>See example (Figure 1) below.</b>	<b>See example (Figure 1) below.</b>

**Figure 1: Example of a Process Summary and Flow Diagram**



**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, product or manufactured item, you may reasonably be expected to have access to import records and the relevant Material Safety Data Sheet (MSDS). An 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, products or manufactured items. 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 the substances listed in the notice 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 any of the substances listed in the substituted diphenylamine substances group (regardless of whether or not the substance is listed in the notice), 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 these substances and may be contacted for further information regarding their activity or interest in these substances. When completing the form, you should:

- identify the substances of interest to you, and
- specify your activity or potential activity with the substance (e.g.: import, manufacture, use)

The Declaration of Stakeholder Interest form also includes **voluntary information** that stakeholders are encouraged to provide on the substances described in the Substituted Diphenylamine Substances Group. This information will help the Government of Canada improve decision making for these substances and ensure all activities are considered before moving forward with further actions regarding these substances.

Examples of the type of additional information that could help inform the risk assessment process include, but are not limited to:

- Analogues or alternatives for these substances;
- Quantities of the substances manufactured, imported, used, and/or exported per calendar year, for the last 5 years;
- Customer contact information;
- Supplier information (name, location and contact information);
- Unpublished data or studies on physical-chemical properties, bioaccumulation, persistence, toxicity, metabolism, degradation, or the release of the substances from the final mixture, product or manufactured item;
- Storage and transportation container information (e.g. size and type of containment, and a description of how the empty containers are handled/cleaned); and
- Waste management information, such as:
  - name and location of waste management facilities;
  - type of wastewater that is treated at your facility;
  - type of wastewater treatment methods used at your facility;
  - whether your facility wastewater effluents are re-used in the process;
  - volume of each effluent stream potentially containing the substance annually in m<sup>3</sup> (indicate whether the streams are combined with other effluents prior to discharge), and the total volume of all effluent streams discharged in m<sup>3</sup> annually;

- your facility's wastewater effluent flow rates (e.g., average daily volume or 90<sup>th</sup> percentile in m<sup>3</sup> or liters per day), and periods of discharge;
- the fate, quantity (kg) and treatment methods used for your facility wastewater sludge;
- name of the corresponding receiving water bodies where your facility wastewater effluents are discharged to; and
- effectiveness of waste management practices.

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 imported, manufactured and/or used a substance listed in Schedule 1 to the notice during the 2011 calendar year, but you did not meet the reporting requirements outlined in Schedule 2 to the notice (e.g.: quantity manufactured, imported or used was below the reporting threshold), you are encouraged to respond to the section 71 notice voluntarily.

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

Responses to the notice must be submitted to the Minister of the Environment, to the attention of the Substances Management Coordinator. Responses can also be submitted electronically, using the online reporting tool available at:

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

The form must be "Submitted" to transmit the data. To complete the submission, a signed copy of the completed s.71 notice must be received by the Substance Management Coordinator by e-mail at [Substances@ec.gc.ca](mailto: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 **October 30, 2012, 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 the CAS RN of the substances on which information will be reported and provide 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](mailto:Substances@ec.gc.ca). It is important to note that you must request an extension of time before expiry of the **October 30, 2012, 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 **October 30, 2012**, 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 SDPA Substances Group Inquiry")