



Guidance for responding to the *Notice with respect to certain selenium-containing substances* (Notice)

Published in the *Canada Gazette*, Part I, on May 25, 2013

This document provides guidance for responding to the Notice published in the *Canada Gazette*, Part I, on **May 25, 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.

On October 8, 2011, the Minister of the Environment and the Minister of Health (the Ministers) 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 the Act, and new information received as part of the first phase of the Chemicals Management Plan (CMP 1).

As part of the CMP2, a grouping of certain selenium-containing substances will be assessed, and are part of the Notice. Several substances subject to the Notice have been identified as priorities for action by the US EPA and the International Agency for Research on Cancer (IARC). The Substance Grouping initiative and the proposed information gathering will facilitate alignment and harmonization with activities in other jurisdictions.

The first step is to collect data in order to update the information available on the substances listed in Schedule 1 to the Notice. The information collected from the Notice will inform the 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, using the Stakeholder Interest Form available on the Government of Canada's Chemical Substances Web site.

The **May 25, 2013** Notice and all documents related to the collection of information are available through the Government of Canada's Chemical Substances Web site at <http://www.chemicalsubstanceschimiques.gc.ca/index-eng.php> (click on The Substance Groupings Initiative, then click on 'Selenium-containing substances').

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1. What is the purpose of the Notice?

The selenium-containing substances grouping consists of 29 substances. The *Notice with respect to certain selenium-containing substances* only applies to 23 substances for which information is required. The 23 substances are listed in Schedule 1 to the Notice, and in Section 3 of this Guidance Document.

Additional information on activities that are not reportable in the Notice, for all substances in this grouping, is available through various sources. This additional information will be considered along with the information gathered under the Notice in the risk assessment and, if required, risk management of the substance grouping.

The purpose of the Notice is to gather information on 23 of the substances included in the selenium-containing substances grouping 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 imported or used in Canada during the 2012 calendar year;
- the quantities of these substances imported or used during the 2012 calendar year;
- the industrial sectors involved in the import and use of the substances;
- information on specific types of products, mixtures or manufactured items containing the substances;
- available, unpublished data or studies on acute mammalian toxicity

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 the *Canada Gazette*, Part I, pursuant to paragraph 71(1)(b) of the Act on **May 25, 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 <http://www.chemicalsubstanceschimiques.gc.ca/index-eng.php>.

3. What substances are reportable under the Notice?

The Notice includes a list of 23 selenium-containing substances considered as priority for action and the substances are listed below:

Schedule 1 to the Notice

CAS RN*	Name of the substance
1306-24-7	Cadmium selenide (CdSe)
3425-46-5	Selenocyanic acid, potassium salt
5819-01-2	Dodecane, 1,1'-selenobis-
7446-08-4	Selenium oxide (SeO ₂)
7446-34-6	Selenium sulfide
7488-56-4	Selenium sulfide (SeS ₂)
7782-49-2	Selenium
7783-00-8	Selenious acid
7783-07-5	Hydrogen selenide (H ₂ Se)
7791-23-3	Seleninyl chloride
10102-18-8	Selenious acid, disodium salt
10214-40-1	Selenious acid, copper(2++) salt (1:1)
12002-86-7	Silver selenide (AgSe)
12069-00-0	Lead selenide (PbSe)
12137-76-7	Palladium selenide (PdSe)
12214-12-9	Cadmium selenide sulfide (Cd ₂ SeS)
12626-36-7	Cadmium selenide sulfide (Cd(Se,S))
12656-57-4	Cadmium sulfoselenide orange (Pigment Orange 20)
13410-01-0	Selenic acid, disodium salt
20405-64-5	Copper selenide (Cu ₂ Se)
21559-14-8	Selenium, bis(diethylcarbamoedithioato-S)bis(diethylcarbamoedithioato-S,S')-
56093-45-9	Selenium sulfide
58339-34-7	Cadmium sulfoselenide red (Pigment Red 108)

It is important to note that hydrated forms of a substance listed in Schedule 1 are considered mixtures and are reportable if they meet the reporting criteria outlined in Schedule 2 to the Notice. Additional information on mixtures including hydrates can be found in section 4.1 of this guidance document.

* **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 and which sections need to be completed?

As outlined in Schedule 2, the Notice applies to any person who, during the 2012 calendar year, satisfied any of the following criteria:

1. **imported** a total quantity greater than 100 kg of a substance listed in Schedule 1 to the Notice at a concentration equal to or above 0.001 percent by weight (w/w %), whether in:
 - (a) a mixture or in a product intended to be used in a residence that is:
 - (i) a polish, paint, coating, ink, adhesive or sealant; or
 - (ii) for cleaning or for fabric care;
 - (b) a mixture or a product intended to clean floors or food preparation surfaces; or
 - (c) a toy intended to be used by children under the age of six years.
2. **used** a total quantity greater than 100 kg of a substance listed in Schedule 1 to the Notice, whether alone; or at a concentration equal to or above 0.001 percent by weight (w/w %) in a mixture or in a product:
 - (a) in the manufacture of a mixture or a product, intended to be used in a residence, that is:
 - (i) a polish, paint, coating, ink, adhesive or sealant; or
 - (ii) for cleaning or for fabric care;
 - (b) in the manufacture of a mixture or a product intended to clean floors or food preparation surfaces; or
 - (c) in the manufacture of a toy intended to be used by children under the age of six years.

The quantity of a substance that a person 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.

It is important to note that for the purpose of the Notice, the reporting requirements for a mixture or a product intended to clean any floors or any food preparation surfaces (Schedule 2, section 1(b) and 2(b) of the Notice) includes mixtures and products intended to be used in residences, schools, daycares, recreational areas and other public institutions or settings (e.g. hospitals, shopping centres, office buildings, etc.).

Examples of how to determine whether the reporting threshold is met are provided below:

Example 1:

1) Company meets the reporting threshold:

In 2012, if your company **imported** 400 kg of Product X (a polish) that contains 50% of a reportable substance, then a total quantity of 200 kg of the substance was imported. The concentration of the reportable substance is equal to or above 0.001 percent by weight (w/w %). The reporting threshold is met.

2) Company meets the reporting threshold:

In 2012, your company **used** 500 kg of a reportable substance alone to manufacture an infant toy. The reporting threshold is met.

3) Company does not meet the reporting threshold:

- In 2012, if your company imported 80 kg of a reportable substance, then the reporting threshold is not met.
- In 2012, your company imported 250 kg of a reportable substance; however the concentration of the reportable substance is less than 0.001% in the mixture. The reporting threshold is not met.
- In 2012, if your company used 90 kg 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 this Notice is **October 1, 2013, 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.

4.1. Manufactured items, mixtures and products

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, the only manufactured items that are reportable items are:

- toys intended to be used by or for children under the age of 6 years which include but are not limited to the following examples: *plastic toys for babies and toddlers, toys with applied paints and varnishes such as wood blocks and toy trains, metallic toys such as toy cars, wagons, figurines, etc.*

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:

- hydrates,
- prepared formulations , and
- reaction mixtures that are characterized in terms of their constituents.

Hydrates of a substance or hydrated ions formed by association of a substance with water are considered to be a mixture of that substance and water. Therefore, if you manufactured or imported any hydrated form of an anhydrous substance listed in Schedule 1, then you are required to report on this substance if you meet the reporting criteria outlined in Schedule 2 to the Notice. The hydrated form is considered a mixture.

A **product** excludes mixtures and manufactured items.

For the purposes of the Notice, mixtures and products that are reportable include, but are not limited to, the following examples:

- a mixture or product intended to be used in a residence, that is a polish, paint, coating, ink, adhesive or sealant (*e.g., bluing polish (e.g. gun bluing), orthodontic adhesive, epoxy resins, paint used for furniture, etc.*)
- a mixture or product intended to be used in a residence, that is for cleaning or fabric care (*e.g., house cleaners, laundry detergents, stain removers, colour brighteners, surfactants, etc.*)
- a mixture or product intended to clean floors or food preparation surfaces (which includes floor or food preparation surface cleaners intended to be used in residences, schools, daycares, recreational areas and other public institutions or settings such as hospitals, shopping centres, office buildings, etc.)
- toys intended to be used by or for children under the age of 6 years (*e.g., finger paints, etc.*)

4.2. Do I import?

Schedule 2 to the Notice specifies that the Notice applies to any person who, during the 2012 calendar year, imported a total quantity greater than 100 kg of a substance listed in Schedule 1 to the Notice, at a concentration equal to or above 0.001 percent by weight (w/w %), whether in:

- (a) a mixture or in a product intended to be used in a residence that is:
 - (i) a polish, paint, coating, ink, adhesive or sealant;
 - (ii) for cleaning or for fabric care; or
- (b) a mixture or a product intended to clean floors or food preparation surfaces; or
- (c) a toy intended to be used by children under the age of six years.

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

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 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 as an internal company transfer from a foreign source.
- You purchased a toy that contains a substance listed in Schedule 1 from a foreign source, and the toy was shipped directly from the foreign source to your location in Canada.

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

For the purpose of the Notice, possible situations where you **are NOT considered** to “import” a substance include, but are not limited to, the following examples:

Example 3:

- You purchased goods from a Canadian company.
- You ordered a product from a warehouse located in Canada.

4.3. Do I use?

Schedule 2 to the Notice specifies that the Notice applies to any person who, during the 2012 calendar year, used a total quantity greater than 100 kg of a substance listed in Schedule 1 to the Notice, either:

- used **alone**:
 - (a) in the **manufacture of a mixture or a product** intended to be used in a residence that is:
 - (i) a polish, paint, coating, ink, adhesive or sealant;
 - (ii) for cleaning or for fabric care; or
 - (b) in the **manufacture of a mixture or a product** intended to clean floors or food preparation surfaces; or
 - (c) in the **manufacture of a toy** intended to be used by children under the age of six years;

OR

- used in a **mixture** at a concentration equal to or above 0.001 percent by weight (w/w %):
 - (a) in the **manufacture of a mixture or a product** intended to be used in a residence that is:
 - (i) a polish, paint, coating, ink, adhesive or sealant;
 - (ii) for cleaning or for fabric care; or

- (b) in the **manufacture of a mixture or a product** intended to clean floors or food preparation surfaces; or
- (c) in the **manufacture of a toy** intended to be used by children under the age of six years;

OR

- used in a **product** at a concentration equal to or above 0.001 percent by weight (w/w %):
 - (a) in the **manufacture of a mixture or a product** intended to be used in a residence that is:
 - (i) a polish, paint, coating, ink, adhesive or sealant;
 - (ii) for cleaning or for fabric care; or
 - (b) in the **manufacture of a mixture or a product** intended to clean floors or food preparation surfaces; or
 - (c) in the **manufacture of a toy** intended to be used by children under the age of six years.

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

Example 4:

- 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.
- You blend a mixture containing a substance listed in Schedule 1 as an impurity with other components to make another mixture.
- You blend a mixture containing a substance listed in Schedule 1 with other components to produce a manufactured item.
- You use a mixture containing a substance listed in Schedule 1 in the process of manufacturing of a toy.

For the purpose of the Notice, possible situations where **you are NOT considered** to “use” (i.e., because the uses described are not in relation to the manufacture of a mixture, product or manufactured item) include, but are not limited to, the following examples:

Example 5:

- 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 load a substance listed in Schedule 1 onto a carrier and ship the substance to three other companies.
- You purchase Mixture Y which contains a substance listed in Schedule 1 from your supplier in Canada, and distribute the product to your customers.

- You use a product containing a substance listed in Schedule 1, to make a manufactured item that is not a toy intended for children under the age of 6 years.
- You use a manufactured item (e.g. rubber equipment parts) containing a substance listed in Schedule 1, to make equipment.

4.4. Exclusions

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

- is in transit through Canada; or
- 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*.

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" to meet the obligation to respond to the Notice.

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 imported, or used, during the 2012 calendar year, as follows:

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

- 0.0368 should be reported as 0.037
- 541 231 should be reported as 540 000
- 831.29 should be reported as 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.

6.2. What are the Substance Function Codes and Consumer and Commercial Codes?

Substance Function Codes and Consumer and Commercial Codes are an accepted list of codes used to describe the function or use of a substance in a consistent manner. Substance 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.

Substance Function Code (formerly known as Industrial Function Code) refers to the function of the substance with regard to the intended physical or chemical characteristic for which a chemical substance is consumed as a reactant; incorporated into a formulation, mixture, product, or manufactured item; or used.

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

For the sections in the Notice that request codes, you are required to report the codes that apply to the substance function of each reportable substance **and** the consumer and commercial codes on the use of the substance, or the product, mixture or manufactured item containing the substance. Refer to sections 8 and 9 of Schedule 3 to the Notice or section 6.3 of this guidance document for the list of codes and their corresponding descriptions.

6.3. Code Numbering System for Substance Function Codes and Consumer and 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 either the letter “U” for substance function or the letter “C” for consumer and commercial use.

[**Group #**] is a one-digit number to indicate a grouping of chemical substances or products having similar uses. Substance Function Codes are listed in alphabetical order and are not separated into different groups; therefore, all substance function

codes have a group number 0. Consumer and Commercial Codes use six different group numbers (groups 1 – 5 and group 9).

[**Subgroup #**] is a two-digit number to indicate a specific use or function (within each group for Consumer and Commercial Codes).

Example 6:

Code C202, “Paints and Coatings”, is a Consumer and Commercial Code ([Type] is “C”), which belongs to group 2 ([Group #] is 2), and is the second code listed in this group ([Subgroup #] is 02).

It is important to note that number 999 is reserved for the “Other” code in both Substance Function Codes (**U999**) and Consumer and Commercial Codes (**C999**). When selecting this code, a written description of the substances function or the consumer and commercial 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.

Example 7:

Code U999 “Other” – Substance is manufactured incidentally during the processing of a mineral ore.

Substance Function Codes and Corresponding Descriptions

Substance 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 substance function not otherwise described in this table. A written description of the substance function must be provided when using this code.

Consumer and Commercial Codes and Corresponding Descriptions

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

Group 1: Furnishings, cleaning, treatment or care

Consumer and Commercial Codes	Title	Description
C102	Foam Seating and Bedding	Substances that are, or are contained in foam mattresses, pillows, cushions, and any seating, furniture and furnishings containing foam.
C104	Fabric, Textile and Leather articles not otherwise covered in this table	Substances that are, or are 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 that are, or are 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 that are, or are contained in laundry and dishwashing products, mixtures or manufactured items.

C108	Personal Care	Substances that are, or are contained in personal care products, mixtures or manufactured items that are used for cleansing, grooming, improving or altering skin, hair, or teeth.
C110	Apparel and Footwear Care	Substances that are, or are contained in apparel and footwear care products, mixtures or manufactured items that are applied post-market.

Group 2: Construction, paint, electrical or metal

Consumer and Commercial Codes	Title	Description
C201	Adhesives and Sealants	Substances that are, or are 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 that are, or are contained in paints or coatings.

Group 3: Packaging, paper, plastic or hobby

Consumer and Commercial Codes	Title	Description
C303	Plastic and Rubber materials not otherwise covered in this table	Substances that are, or are contained in plastic products and rubber, mixtures or manufactured items not otherwise covered in this table.
C304	Toys, Playground and Sporting Equipment	Substances that are, or are contained in toys, playground, and sporting equipment made of wood, metal, plastic or fabric.
C305	Arts, Crafts and Hobby Materials	Substances that are, or are contained in arts, crafts, and hobby materials.
C306	Ink, Toner and Colourants	Substances that are, or are 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.

Group 4: Automotive, fuel, agriculture or outdoor use

Consumer and Commercial Codes	Title	Description
C402	Lubricants and Greases	Substances that are, or are contained in products, mixtures or manufactured items to reduce friction, heat generation and wear between solid surfaces.

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

Consumer and Commercial Codes	Title	Description
C999	Other (specify)	Substances that are, or are 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.

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:

Substances present on Schedule 1

Activity	Applicable section(s) of Schedule 3 to be completed			
	4	5	6	7
Import	✓	✓		✓
Use	✓	✓	✓	✓

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.

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, or where information required under Schedule 3 to this notice was submitted to Health Canada, 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 2012 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 individuals at Environment Canada or at Health 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 8:

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 2012 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. See Section 10 of this document for the contact information.

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 a person **imported** or **used** during the 2012 calendar year, for which the criteria set out in Schedule 2 have been met, the person shall provide the following information:

- in column (a) the CAS RN* of the substance;
- in column (b) the applicable Consumer and Commercial Code(s) set out in section 8 of the Notice;
- in column (c), for each applicable Consumer and Commercial Code listed in column (b), the total quantity of the substance reported in kg (rounded to two significant digits);
- in column (d) for each applicable Consumer and Commercial Code, the description and the common or generic name of the known or anticipated final mixture, product or manufactured item containing the substance. The statement should be as concise as possible. Using trade names is an effective way of summarizing this information;
- 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 mixture, product or manufactured item containing the substance.

Example 9:

In 2012, you imported 200 kg of a substance listed in Schedule 1 (CAS XXXX-XX-X), which was used in the manufacture of paints and coatings (C202). In 2012, you also imported 5 000 kg of another substance listed in Schedule 1 (CAS YYYY-YY-Y), which was used for the manufacture of toys, playground and sporting equipment (C304).

* 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.

(a) CAS RN ¹	(b) Consumer and Commercial Code(s) (set out in section 8)	(c) Total quantity of the substance reported in kg (rounded to 2 significant digits)	(d) Description and the common or generic name of the known or anticipated final 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 mixture, product, or manufactured item containing the substance
XXXX-XX-X	C202	200	Latex paint 123 for children's bedroom furniture	5%
YYYY-YY-Y	C304	5 000	Children's plastic house set	10%

7.3. Section 6 of Schedule 3

For each substance listed in Schedule 1 that a person **used** during the 2012 calendar year, for which the criteria set out in Schedule 2 have been met, the person shall provide the following:

- in column (a), CAS RN of the substance
- in column (b), the applicable Substance Function Code(s) that apply to the function of the substance listed in column (a); and
- in column (c), for each applicable Substance Function Code, the total quantity of the substance reported in kilograms (rounded to two significant digits).

Example 10:

In 2012, you used 250 kg of a substance listed in Schedule 1 (CAS RN XXXX-XX-X) as a sealant (Substance Function Code U002) that is applied to other materials to prevent seepage of moisture or air. In 2012, you also used 500 kg of a coating (Substance Function Code U034) that contained 125 kg of a substance listed in Schedule 1 (CAS RN YYYY-YY-Y) at a concentration above 0.001 percent.

(a) CAS RN	(b) Applicable Substance Function Code(s) (set out in section 9)	(c) Total quantity of the substance reported in kilograms (rounded to two significant digits)
XXXX-XX-X	U002	250
YYYY-YY-Y	U034	130

7.4. Section 7 of Schedule 3

For each substance listed in Schedule 1, that a person **imported** or **used**, during the 2012 calendar year, for which the criteria set out in Schedule 2 have been met, the person shall provide the following information:

- in column (a), CAS RN of the substance,
- in column (b), list any unpublished data or studies on the substance, with dosing duration of less than two weeks, with regard to the human health endpoint acute mammalian toxicity; and
- in column (c), the study title(s) for the data or studies submitted in column (b)

Example 11:

A person who responds to the Notice possesses unpublished studies on acute mammalian toxicity for a substance listed in Schedule 1, as indicated in the Endpoint Table.

(a) CAS RN	(b) Unpublished data or studies with regard to acute (< 2 weeks) mammalian toxicity studies	(c) Study title(s) for the data or studies submitted in paragraph (b)
XXX-XX-X	Study is attached	Acute toxicity study on rats for CAS RN XXX-XX-X (Peterson et al. 2005)

Full data or studies should be submitted as an attachment to your submission. For the purposes of the Notice, data or studies are considered "unpublished" if they are not readily found using standard search engines (e.g., Scopus, Pubmed, Toxline, etc.). **The unpublished data or studies submitted can be from any calendar year.**

You are encouraged to provide the data or studies in electronic format (either on a CD, DVD or USB memory stick), or if the file size is small enough, you can submit it by email. Otherwise, paper copies of the data or studies can be submitted.

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 for 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 are 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** (<http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=8AC062A4-1>).

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 selenium-containing substances grouping (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** (<http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=EC26E370-1>). 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, or use)

The Declaration of Stakeholder Interest form also requests **Voluntary information** (http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=EC26E370-1#voluntary_info) that stakeholders are encouraged to provide on the substances described in the selenium-containing substances grouping. This information will help the Government of Canada improve decision making for these substances and ensure all activities are considered before moving forward with any further actions regarding these substances.

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

Additional Information on selenium-containing substances included in Schedule 1 of the Notice, such as:

- A description of any activities you had with the substance(s) other than those described in Schedule 2 of this Notice, either with the substance alone, or in a mixture, product or manufactured item, during the 2012 calendar year, along with the quantity of the substance that was manufactured, imported, or used for each activity;

- Analogues or alternatives for these substances, and their advantages and disadvantages;
- Quantities and NAICS codes for each activity per calendar year for any substance you manufactured, imported, used, and/or exported within the last 5 years;
- Properties of the substance(s) and/or their components, such as physical-chemical properties, chemical structure, concentration of the components, etc.;
- Commercial names of the substance or the mixture, product or manufactured item containing the substance;
- Customer information (company name, location, and quantity of the substance sold);
- 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;
- Measurements and/or monitoring data on naturally occurring and anthropogenic levels in Canadian air (indoor, outdoor, personal), food, drinking water, household dust, and in humans (e.g., blood, urine, breast milk);
- For mixtures, products or manufactured items containing the substance(s):
 - the trade name(s) or description of any final mixture, product or manufactured item or product type;
 - the concentration, quantity of substance and particle distribution size in any final mixture, product or manufactured item;
 - the applicable substance function code(s) or consumer and commercial code(s);
- Storage and transportation container information (e.g., size and type of container, percentage or actual quantity of residue left in the container after cleaning, and a description of how the empty containers are handled/cleaned/treated (off-site, on-site, other), and how the rinsate is handled/treated);
- Waste management information for each facility, such as:
 - name and location of waste management facilities;
 - sources of wastewater that is released and 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 (indicate whether the streams are combined with other effluents prior to discharge), and the total volume of all effluent streams discharged in m³ annually;
 - your facility's wastewater effluent flow rates (e.g., average daily volume or 90th percentile in m³ or liters per day), and periods of discharge;
 - the fate, quantity (kg) and treatment methods used for your facility wastewater sludge;
 - whether the wastewater effluent is discharged directly to receiving water body or to municipal STP
 - name of the corresponding receiving water bodies where your facility wastewater effluents are discharged to; and
 - effectiveness of waste management practices.
- Manufacturing process information, such as production rates and total operating period (hours/days), type of process (open/closed, dry/wet, closed-loop/pressurized/vacuum), Batch or continuous operations (hours/batch, batch/year or kg/days), and process flow diagram, if available.

Information on other selenium-containing substances that are not included in Schedule 1 of the Notice, such as:

- Substance identity information (Name, CAS RN, chemical structure, etc.)
- Quantity of the substance manufactured, imported, used, and/or exported, per calendar year, either alone, in a mixture, in a product or in a manufactured item.
- Description of your activity with the substance, including applicable NAICS codes, Substance Function codes, and/or Consumer and Commercial codes

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

<http://www.chemicalsubstanceschimiques.gc.ca/index-eng.php>

Note that if you imported or used a substance listed in Schedule 1 to the Notice during the 2012 calendar year, but you did not meet the reporting requirements outlined in Schedule 2 to the Notice (i.e., the quantity 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. You are encouraged to use the Selenium-Containing Substances Reporting Form to respond to the section 71 Notice, which are available at:

<http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=1EC744D5-1>

The reporting form has two parts, **both** of which must be filled out for the response to be considered complete. The first part of the form addresses the questions posed in the Notice and must be submitted in Excel format by email or electronically (via CD or USB memory stick). The second part of the form is the Declaration Signature Page.

In order for your submission to be considered complete, you must complete and sign the Declaration Signature Page and submit it to the Substances Management Coordinator by e-mail 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, 8th Floor
Gatineau QC K1A 0H3

By courier:

Substances Management Coordinator
Chemicals Management Plan
200 Sacré-Coeur Boulevard, 8th 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 1, 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 the CAS RN of the substance(s) on which information will be reported and 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, 8th 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 **October 1, 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 **October 1, 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:
1-800-567-1999 (Toll-free in Canada) or 819-953-7156 (Outside of Canada)
- Facsimile: 819-953-7155
- e-mail: Substances@ec.gc.ca (Indicate in the subject line "CMP Selenium-Containing Substances Grouping Inquiry")