



November 18, 2008

The Honourable James Prentice, P.C., M.P.
Minister of the Environment
10 Wellington Street
Gatineau, Quebec, K1A 0H3
Fax number: (819) 953-0279
Phone number: (819) 997-1441

**Re: Notice of Objection and Request for Board of Review
Canada Gazette Part 1, September 20, 2008
CHPD**

Dear Minister:

It is with regret that Lanxess is filing this Notice of Objection for the proposal to list CHPD as a toxic substance and to place this important colour in global commerce on the Virtual Elimination Risk Management Track (V/E). For some time now, we have been attempting to reach an agreement with your officials- an agreement that would allow Lanxess to conduct bioaccumulation studies and for these studies to determine the appropriate path forward. Given that we have been unable to reach an agreement with your officials, Lanxess feels it has no choice but to exercise and exhaust all its appeal rights under the law.

The fact is that the science is not complete on CHPD. The recommendations to list and V/E have been made exclusively based on models. Lanxess submitted test data where the results conflicted with the models and yet this real data was ignored by Environment Canada, partly because these test results were received after the required dates- dates that Lanxess was not aware of and due to extenuating circumstances did not understand the implications of. Lanxess customer surveys conducted in July and August 2008 indicate no releases in the end uses and contexts of concern and therefore there is no need to exercise the precautionary principle. In short, there is time to get the science right and to let the science determine the path forward.

We are asking for you to reconsider the path forward as recommended in this Gazette Notice. We are asking you to allow us to complete the required scientific studies and to let these studies determine whether the recommended path forward is the correct one for CHPD. We are asking for your reconsiderations in light of the extenuating circumstances addressed in this Notice of Objection.

CHPD is a colour in global commerce. Canada is the first and only jurisdiction to express concerns about CHPD. Listing CHPD as a toxic substance and placing it on a V/E track will affect our markets for this substance throughout the world. We are only asking that sound science determine the future for CHPD in global commerce. We will live with the results of the proper science if this science will be considered by you.

Lanxess is a global chemical company with many factories around the world. We employ 15,000 employees in 21 countries including Canada. We employ directly over 500 Canadians in our large chemical operation in Sarnia Ontario. We take our environmental responsibilities seriously and sincerely hope that this matter can be resolved in a way that is acceptable to Environment Canada and to Lanxess. We believe we have proposed a reasonable approach and solution.

We appreciate your attention in this important matter to our company.

Yours sincerely



Susan Van Volkenburg
Manager Product Safety and Regulatory Affairs
111 RIDC Park West Drive
Pittsburgh, PA 15275
412-809-3574
susan.vanvolkenburg@lanxess.com

Attachment: Notice of Objection
Withdrawal of Confidentiality Form

c.c. The Honourable Leona Aglukkaq, P.C., M.P.
Minister of Health
Fax number: (613) 952-1154

Pat Davidson, M.P.
Fax number: (613) 957-2655

Stephen Kelly, Chief of Staff to the Minister
Fax number: (819) 953-0279
Fax number: (613) 996-9880

Ian Shugart, Deputy Minister of Environment
Fax number: (819) 953-6897

Cecile Cleroux, Assistant Deputy Minister
Fax number: (819) 953-9452

