



New Substances Program Advisory Note 2015-05

Documentation to support the addition of a substance to the *Domestic Substances List*

This Advisory note is to inform manufacturers and importers of new substances (chemicals, polymers, bio-chemicals, bio-polymers, micro-organisms and organisms other than micro-organisms) and other stakeholders of the documentation required to satisfy the Minister of the Environment that one or more substances are eligible for the *Domestic Substances List* (DSL) under subsections 66(1) or 105(1) of the *Canadian Environmental Protection Act, 1999*

Background

Persons wishing to have a substance that is a chemical, biochemical, polymer or biopolymer added to the *Domestic Substances List* (DSL) under subsection 66(1) of the *Canadian Environmental Protection Act, 1999* (the Act) must satisfy the Minister of the Environment that between January 1, 1984, and December 31, 1986, the substance was:

- a) manufactured in or imported into Canada by any person in a quantity of not less than 100 kg in any calendar year; or
- b) in Canadian commerce or used for commercial manufacturing purposes in Canada.

Similarly, persons wishing to have a micro-organism or an organism other than a micro-organism added to the DSL under subsection 105(1) of the Act must satisfy the Minister that between January 1, 1984, and December 31, 1986, the organism:

- a) was manufactured in or imported into Canada by any person; and
- b) entered or was released into the environment without being subject to conditions under any Act of Parliament or of the legislature of a province.

How to Satisfy the Minister that a Substance is Eligible for the DSL

Only credible and relevant documentation related to the substance or the living organism will be accepted in order to satisfy the Minister that it meets the eligibility criteria for addition to the DSL. This credible and relevant documentation will most often consist of records of sale or purchase, as well as production, manufacture and import records (e.g. Customs Canada B3 forms or contracts with import-brokers), permits, or audit records. If the substance or living organism was sold as an ingredient in a commercial product, information linking the substance name or living organism to the commercial product name is also relevant if credible and relevant commercial records for the product are also provided.

Verification of the submitted documentation

Environment and Climate Change Canada will review the documentation submitted for acceptance as credible and relevant proof of activities for the purposes of subsection 66(1) or 105(1) of the Act within 30 calendar days after the information is received. Persons may be asked to clarify information provided as part of this verification process.

Pre-notification Consultation

Although not required, Environment and Climate Change Canada and Health Canada recommend that nominators request a Pre-notification Consultation (PNC) during the planning or preparation of a submission for substances of this kind to assist with determining whether the credible and relevant proof of activity would be acceptable or if this substance is notifiable under the *New Substances Notification Regulations (chemicals and Polymers)* or the *New Substances Notification Regulations (Organisms)*.

Contact Information:

If you have any questions, please contact the Substances Management Information Line:

Telephone: 1-800-567-1999 (toll-free in Canada)
1-819-938-3232 (outside Canada)
Facsimile: 1-819-938-5212
E-mail: ec.substances.ec@canada.ca

You may also visit the New Substances Web site at <http://www.ec.gc.ca/subsnouvelles-newsubs/>.

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Signed on December 10, 2015