



New Substances Program Advisory Note 2006-02

Proposal of Deletion of non-eligible Substances from the Domestic Substances List

This advisory note is to inform manufacturers and importers of chemicals and polymers and any other stakeholders of the proposal of deletion of 1105 substances from the Domestic Substances List which, as the result of an audit, were discovered to have not met the criteria prescribed in subsection 66(1) of the *Canadian Environmental Protection Act, 1999*.

Background

The Domestic Substances List (DSL) includes substances that were, between January 1, 1984 and December 31, 1986, manufactured in or imported into Canada by any person in a quantity of not less than 100 kg in any one calendar year; or in Canadian commerce or used for commercial manufacturing purposes in Canada. The audit to evaluate the entry of selected substances shows that 1105 substances on the DSL do not meet the eligibility criteria of section 66 of the Act.

Notice of Intent to Delete non-eligible Substances from the Domestic Substances List

Subsection 66(4) of the Act requires the Minister to delete any substance from the DSL which does not meet the eligibility criteria. A Notice to advise the public that the Minister of the Environment intends to delete non-eligible substances from the DSL was published in the *Canada Gazette*, Part I on November 11, 2006.

During the 180-day period following publication of the Notice of Intent, interested parties, including non-Canadian companies, can object to the proposal of deletion of a substance by showing evidence that the substance meets the eligibility criteria prescribed in subsection 66(1) of the Act. Proof of eligibility is given especially by records of sale, purchase, production, manufacture and import (e.g. Customs Canada B3 forms or contracts with import-brokers). A sworn affidavit attesting to the fact that it is known that the substance was in Canadian commerce between 1984 and 1986 can also be used. Substances for which evidence of DSL eligibility is provided will not be deleted from the DSL.

The attached form should be used to submit the information: Part A should be used to submit relevant documentation or sworn affidavit attesting to the validity of the registration of the substance; and Part B should be used to submit information on substances for which the eligibility cannot be attested, but which are known to currently be in commerce or used in Canada. Submitters of Part B forms should retain their supporting documentation as it might be requested at a later date for validation.

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Advisory Note 2006-03 provides specific information on the submission of sworn affidavits. More information on sworn affidavits or any other aspect of this proposal can be obtained by contacting the New Substances Notification Information line which phone number appears below.

Amendment to the Domestic Substances List and Non-domestic Substances List

In cases where evidence cannot be provided about the validity of a registration, the substance will be removed from the DSL. Following the 180-day comment period, the information and the comments received will be analyzed and interested parties will be contacted to discuss the most appropriate way to effect the removal of substances from the DSL.

The Minister of the Environment will consider adding any deleted substance from the DSL to the Non-domestic Substances List (NDSL). The amendments to the DSL and the NDSL will be published in the *Canada Gazette* at the same time.

Contact Information

New Substances Notification Information Line
Telephone: 1-800-567-1999 (toll-free in Canada)
1-819-953-7156 (outside Canada)
Facsimile: 1-819-953-7155
E-mail: nsn-infoline@ec.gc.ca

For additional information or documentation regarding the Regulations, please visit the New Substances Web Site at http://www.ec.gc.ca/substances/nsb/eng/index_e.htm.

Original signed by

Bernard Madé
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Signed on November 14, 2006