



## New Substances Program Advisory Note 2005-03b

### Publication and coming into force of the *New Substances Notification Regulations (Chemicals and Polymers)* and administrative procedures to follow for notifications submitted before, on or after the coming into force.

This advisory note is to inform manufacturers and importers of chemicals and polymers and other stakeholders of the administrative procedures that will be followed depending on whether a notification is submitted before, on or after the *New Substances Notification Regulations (Chemicals and Polymers)* coming into force.

The revised *New Substances Notification Regulations (Chemicals and Polymers)* [NSNR (Chemicals and Polymers)] was published in the *Canada Gazette*, Part II on September 21, 2005. The Regulations will come into force on October 31, 2005.

Notifiers will be subject to the former or revised regime depending on the date when their notification is received by Environment Canada.

Information is presented hereby to facilitate understanding of the next steps for notifiers.

#### Which situation applies to you?

1. You have never submitted a notification for a substance and you want to submit one on or after October 31, 2005.
  - You are subject to the revised quantity triggers and information requirements of the Regulations coming into force on October 31, 2005.
    - As an example, if you were planning on submitting a Schedule II for a substance listed on the Non-domestic Substances List (NDSL) at 5000 kg/yr under the original regime, you will be required, on or after October 31, 2005 to submit a Schedule 5 before reaching 10 000 kg/yr.
2. You have submitted a notification for a substance; you have received an acknowledgment letter; and the assessment period ends before October 31, 2005.
  - If your notification was a final Schedule (II final, III, VI final, VII or VIII), you are not subject to the revised regime. However, you are required to submit a Notice of Manufacture or Import (NoMI) or a Notice of Excess Quantity (NoEQ) in order to have your substance eligible for listing on the Domestic Substances List (DSL).

- If your notification was not a final Schedule (I, II, IV, V, VI, XI, XII or XIII), please review appendix 1 to determine what additional schedules or information are required in order to have your substance eligible for listing on the DSL. Please note that on October 31, 2005, the quantity triggers will automatically be switched to those in the revised regime.
3. You have submitted a notification for a substance before October 31, 2005; and you have received a letter of missing information.
- The information that was missing for this notification is received by Environment Canada before October 31, 2005 and is satisfactory:
    - If your notification was a final Schedule (II final, III, VI final, VII or VIII), you are not subject to the revised regime. However, you are required to submit a NoMI or a NoEQ in order to have your substance eligible for listing on the DSL.
    - If your notification was not a final Schedule (I, II, IV, V, VI, XI, XII or XIII), please review Appendix 1 to determine what additional schedules or information are required in order to have your substance eligible for listing on the DSL. Please note that on or after October 31, 2005, the quantity triggers will automatically be switched to those in the revised regime; or
  - The information that was missing for this notification is received by Environment Canada before October 31, 2005 but is not satisfactory or the missing information is received on or after October 31, 2005:
    - In both of these cases, the notification will be returned to you. In order to comply with the Regulations, you will have to resubmit the notification as per the quantity triggers and information requirements prescribed in the revised regime coming into force on October 31, 2005.
4. You have submitted a notification for a substance; you have received an acknowledgment letter; and the assessment period ends on or after October 31, 2005; or your notification is subject to an extension which ends on or after October 31, 2005;
- No suspicion of toxicity is determined for your substance: Please review appendix 1 to determine if additional schedules or information may be required in order to have your substance eligible for listing on the DSL;

- No suspicion of toxicity is determined for your substance but a Significant New Activity (SNAc) notice will be published on the substance for activities related to the substance and will require additional information requirements if a person proposes a significant new activity set out in the SNAc notice: This additional information will refer to requirements prescribed in the Regulations coming into force on October 31, 2005. Please review appendix 1 to determine if additional schedules or information may be required in order to have your substance eligible for listing on the DSL.
- If it is determined that your substance is suspected of being toxic or capable of being toxic, risk management measures as per section 84 of the *Canadian Environmental Protection Act, 1999* will apply.

### 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](mailto: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](http://www.ec.gc.ca/substances/nsb/eng/index_e.htm).

Bernard Madé

Acting Director

New Substances Division

Environment Canada

Signed on January 19, 2006

## Appendix 1 – Information requirements and quantity triggers before, on or after October 31, 2005

Highest Schedule acknowledged before October 31, 2005	Information requirements and quantity triggers on or after October 31, 2005	
	Information Requirement	Quantity triggers
<i>Chemicals/Biochemicals listed on the NDSL</i>		
<b>Schedule I</b>	Schedule 5; then	60 days before exceeding 10 000 kg/yr; then
	Additional information may be required if the substance has high environmental release and/or significant exposure; and	75 days before exceeding 50 000 kg/yr; if applicable
	DSL Eligibility Criteria <sup>1</sup>	
<b>Schedule II</b>	DSL Eligibility Criteria <sup>1</sup>	
<i>Chemicals/Biochemicals not listed on the NDSL</i>		
<b>Schedule I</b>	Schedule 5; then	60 days before exceeding 1000 kg/yr; then
	Schedule 6; and	75 days before exceeding 10 000 kg/yr;
	DSL Eligibility Criteria <sup>1</sup>	
<b>Schedule II</b>	Schedule 6, along with any of the information specified in the Schedule 5 that was not already submitted; and	75 days before exceeding 10 000 kg/yr;
	DSL Eligibility Criteria <sup>1</sup>	
<b>Schedule III</b>	DSL Eligibility Criteria <sup>1</sup>	

<sup>1</sup> DSL Eligibility criteria: The Notice of Manufacture or Import (NoMI) or the Notice of Excess Quantity (NoEQ). The NoMI can be submitted any time after the end of the assessment period for the most comprehensive notification. The NoEQ is required not later than 30 days after exceeding the trigger quantity for the most comprehensive notification.

Highest Schedule acknowledged before October 31, 2005	Information requirements and quantity triggers on or after October 31, 2005	
	Information Requirement	Quantity triggers
<i>Chemicals/Biochemicals not listed on the NDSL before October 31, 2005 that are added to the NDSL after October 31, 2005</i>		
<b>Schedule II</b>	Any of the information specified in the Schedule 5 that was not already submitted <sup>2</sup> ; then	60 days before exceeding 10 000 kg/yr; then
	Additional information will be required if the substance has high environmental release and/or significant exposure; and	75 days before exceeding 50 000 kg/yr
	DSL Eligibility Criteria <sup>1</sup>	

<sup>2</sup> This information must be accompanied with the appropriate fees for a Final Schedule 5 notification. See example 8 of Appendix 3 in the *Guidelines for the Notification and Testing of New Substances: Chemicals and Polymers*, version 2005.

Highest Schedule acknowledged before October 31, 2005	Information requirements and quantity triggers on or after October 31, 2005	
	Information Requirement	Quantity triggers
<i>RRR Polymers<sup>3</sup>/Biopolymers that are listed on the NDSL or have all reactants listed on the DSL or NDSL</i>		
<b>Schedule VI</b>	DSL Eligibility Criteria <sup>1</sup>	
<i>RRR Polymers<sup>3</sup> /Biopolymers that are not listed on the NDSL and contain reactants that are not listed on the DSL or NDSL</i>		
<b>Schedule VI</b>	Additional information requirements specified in Schedule 9 (reaction scheme) <sup>4</sup> ; and	30 days before exceeding 10 000 kg/yr
	DSL Eligibility Criteria <sup>1</sup>	
<b>Schedule VII</b>	DSL Eligibility Criteria <sup>1</sup>	
<i>non-RRR Polymers/Biopolymers that are listed on the NDSL or that have all their reactants listed on the DSL/NDSL</i>		
<b>Schedule VI</b>	Schedule 10 including any additional information requirements specified in Schedule 9 that was not already submitted (exposure information); then	60 days before exceeding 10 000 kg/yr; then
	Additional information will be required if the substance has high environmental release and/or significant exposure; and	60 days before exceeding 50 000 kg/yr
	DSL Eligibility Criteria <sup>1</sup>	
<b>Schedule VII</b>	DSL Eligibility Criteria <sup>1</sup>	

<sup>3</sup> A reduced regulatory requirement (RRR) polymer means one of the polymers described in section 9 of the NSNR (Chemicals and Polymers).

<sup>4</sup> This information must be accompanied with the appropriate fees for a Final Schedule 9 notification. If the information (reaction scheme) was received prior to October 31, 2005, only the fees will be required 30 days before exceeding 10 000 kg/yr.

Highest Schedule already acknowledged before October 31, 2005	Information requirements and quantity triggers on or after October 31, 2005	
	Information Requirement	Quantity triggers
<i>non-RRR Polymers/Biopolymers that are not listed on the NDSL and contain reactants that are no listed on the DSL or NDSL</i>		
<b>Schedule VI</b>	Schedule 11 including any additional information requirements specified in Schedule 9 that was not already submitted (exposure information); and	60 days before exceeding 10 000 kg/yr
	DSL Eligibility Criteria <sup>1</sup>	
<b>Schedule VIII</b>	DSL Eligibility Criteria <sup>1</sup>	

Highest Schedule acknowledged before October 31, 2005	Information requirements and quantity triggers on or after October 31, 2005	
	Information Requirement	Quantity triggers
<i>Special Category Substances</i>		
<b>Schedule IV or V</b>	For Research and Development substances, contained site-limited intermediate and contained export-only substances:  Update information required in Schedule 1	30 days before exceeding 10 000 kg/yr;
	If the site-limited intermediate or the export-only substance is not contained:  If listed on NDSL: Schedule 5  If not listed on NDSL: Schedule 6	60 days before exceeding 10 000 kg/yr  75 days before exceeding 10 000 kg/yr
	If commercialization occurs, the notification path follows the regular notification scheme (Schedule 4 required)	If not listed on NDSL: 5 days before exceeding 100 kg/yr If listed on NDSL: 30 days before exceeding 1000 kg/yr
	If commercialization occurs, the notification path follows the regular notification scheme (Schedule 9 required)	



Highest Schedule acknowledged before October 31, 2005	Information requirements and quantity triggers on or after October 31, 2005	
	Information Requirement	Quantity triggers
<i>Special Category Substances</i>		
<b>Schedule XI, XII or XIII</b>	For Research and Development (R&D) substances and Product Development substances that meet the definition of an R&D substance: Schedule 3	30 days before exceeding 10 000 kg/yr
	For contained site-limited intermediate, contained export-only substances and RRR polymers that are contained: No information required	
	For non-RRR site-limited intermediate polymers, non-RRR export-only polymers that are not contained and Product Development substances that do not meet the definition of an R&D substance: Schedule 10 or Schedule 11 (depending on the status of the reactants)	60 days before exceeding 10 000 kg/yr
	If commercialization occurs, the notification path follows the regular notification scheme (Schedule 9 required)	30 days before exceeding 1000 kg/yr of commercialized substance