

New Substances Program Advisory Note 2005-03

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)] will be 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 quantity triggers and information requirements of the Regulations coming into force on October 31, 2005.
2. You have submitted a notification for a substance; you have received an acknowledgment letter; and the assessment period ends before 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 Domestic Substances List (DSL).
3. You have submitted a notification for a substance before October 31, 2005; and you have received a letter of missing information.
 - The missing information for this notification is received by Environment Canada before October 31, 2005 and is satisfactory: 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; or
 - The missing information 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 Regulations 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 issued on the substance for activities related to the substance and will require additional information requirements if someone goes outside the bounds of the definition of the SNAc prescribed in the 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

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
Acting Director
New Substances Branch
Environment Canada

Signed on September 8, 2005

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

Highest Schedule already completed 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>		
Schedule I	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 ¹	
Schedule II	DSL Eligibility Criteria ¹	
<i>Chemicals/Biochemicals not listed on the NDSL</i>		
Schedule I	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 ¹	
Schedule II	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 ¹	
Schedule III	DSL Eligibility Criteria ¹	
<i>Chemicals/Biochemicals not listed on the NDSL before October 31, 2005 that are added on the NDSL on or after October 31, 2005</i>		
Schedule II	Any of the information specified in the Schedule 5 that was not already submitted ²	
	DSL Eligibility Criteria ¹	

¹ 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.

² This information need to be accompanied with the appropriate fees for a Final Schedule 5 notification.

Highest Schedule already completed before October 31, 2005	Information requirements and quantity triggers on or after October 31, 2005	
	Information Requirement	Quantity triggers
<i>RRR Polymers³/Biopolymers that are listed on the NDSL or have all reactants listed on the DSL or NDSL</i>		
Schedule VI	DSL Eligibility Criteria ¹	
<i>RRR Polymers³ /Biopolymers that are not listed on the NDSL and contain reactants that are not listed on the DSL or NDSL</i>		
Schedule VI	Additional information requirements specified in Schedule 9 (reaction scheme)	These may be submitted at the same time. Environment Canada and Health Canada have 30 days to evaluate the information before the substance becomes eligible to the DSL.
	DSL Eligibility Criteria ¹	
Schedule VII	DSL Eligibility Criteria ¹	
<i>non-RRR Polymers/Biopolymers that are listed on the NDSL or that have all their reactants listed on the DSL/NDSL</i>		
Schedule VI	Schedule 10 including the additional information requirements specified in Schedule 9 (exposure information); 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	60 days before exceeding 50 000 kg/yr; if applicable
	DSL Eligibility Criteria ¹	
Schedule VII	DSL Eligibility Criteria ¹	

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

Highest Schedule already completed 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 not listed on the DSL or NDSL</i>		
Schedule VI	Schedule 11 including the additional information requirements specified in Schedule 9 (exposure information); and	60 days before exceeding 10 000 kg/yr;
	DSL Eligibility Criteria ¹	
Schedule VIII	DSL Eligibility Criteria ¹	

Highest Schedule already completed before October 31, 2005	Information requirements and quantity triggers on or after October 31, 2005	
	Information Requirement	Quantity triggers
<i>Special Category Substances</i>		
Schedule IV or V	Update information required in Schedule 1	30 days before exceeding 10 000 kg/yr;
	If commercialization occurs, the notification path follows the regular notification scheme	
Schedule XI, XII or XIII	No information required unless commercialization occurs, in such case the notification path follows the regular notification scheme	