

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice with respect to certain substances identified in the Challenge, published in the December 9, 2006 Notice of intent to develop and implement measures to assess and manage the risks posed by certain substances to the health of Canadians and their environment.

Pursuant to paragraph 71(1)(b) of the *Canadian Environmental Protection Act, 1999*, notice is hereby given that the Minister of the Environment requires, for the purpose of assessing whether the substances listed in Schedule 1 to this notice are toxic or are capable of becoming toxic, or for the purpose of assessing whether to control, or the manner in which to control the listed substances, any person described in Schedule 2 to this notice who possesses or who may reasonably be expected to have access to the information required in Schedule 3 to this notice, to provide that information no later than June 5, 2007, 3 p.m. Eastern Daylight Savings Time.

Responses to this notice shall be submitted to the Minister of the Environment, to the attention of DSL Surveys Co-ordinator, 351 St. Joseph Boulevard, 20th Floor, Gatineau, Quebec K1A 0H3. Inquiries concerning the notice may be directed to DSL Surveys Coordinator at the above address, at 1-888-228-0530/819-956-9313 (telephone), at 1-800-410-4314/819-953-4936 (fax machine) or at DSL.SurveyCo@ec.gc.ca (electronic mail).

Pursuant to section 313 of the Act, any person who provides information in response to this notice may submit, with the information, a written request that the information or part of it be treated as confidential.

Pursuant to subsection 71(4) of the Act, the Minister of the Environment may, on request in writing from any person to whom this notice applies, extend the time or times within which the person shall comply with this notice. The person seeking such extension shall submit a request in writing to the Minister of the Environment, to the attention of DSL Surveys Co-ordinator, 351 St. Joseph Boulevard, 20th Floor, Gatineau, Quebec K1A 0H3.

JOHN ARSENEAU

Director General

Science and Risk Assessment Directorate

On behalf of the Minister of the Environment

SCHEDULE 1

Certain batch 1 substances identified in the Challenge

Section 1

<u>CAS RN</u> ¹	<u>Name of the substance</u>	<u>Formula</u>	<u>Synonyms</u>
75-56-9	Oxirane, methyl-	C ₃ H ₆ O	Methyloxirane; propylene oxide; 1,2-epoxypropane
91-08-7	Benzene, 1,3-diisocyanato-2-methyl-	C ₉ H ₆ N ₂ O ₂	1,3-diisocyanato-2-methylbenzene; toluene-2,6-diisocyanate; 2,6-TDI
106-88-7	Oxirane, ethyl-	C ₄ H ₈ O	Ethyloxirane; 1,2-epoxybutane; 1,2-butylene oxide
120-80-9	1,2-Benzenediol	C ₆ H ₆ O ₂	Pyrocatechol; o-benzenediol; 1,2-dihydroxybenzene
123-31-9	1,4-Benzenediol	C ₆ H ₆ O ₂	Hydroquinone; 1,4-dihydroxybenzene
584-84-9	Benzene, 2,4-diisocyanato-1-methyl-	C ₉ H ₆ N ₂ O ₂	2,4-diisocyanato-1-methylbenzene; 2,4-toluene diisocyanate; 2,4-TDI
26471-62-5	Benzene, 1,3-diisocyanatomethyl-	C ₉ H ₆ N ₂ O ₂	1,3-diisocyanatomethylbenzene; toluene diisocyanate, mixed isomers; 2,4 + 2,6-toluene diisocyanate

Section 2

<u>CAS RN</u> ¹	<u>Name of the substance</u>	<u>Formula</u>	<u>Synonyms</u>
78-63-7	Peroxide, (1,1,4,4-tetramethyl-1,4-butanediyl)bis[(1,1-dimethylethyl)]	C ₁₆ H ₃₄ O ₄	2,5-dimethyl-2,5-bis(t-butylperoxy)hexane; 2,5-dimethylhexane-2,5-di-tert-butylperoxide
1068-27-5	Peroxide, (1,1,4,4-tetramethyl-2-butyne-1,4-diyl)bis[(1,1-dimethylethyl)]	C ₁₆ H ₃₀ O ₄	2,5-Dimethyl-2,5-di(tert-butylperoxy)-3-hexyne
6731-36-8	Peroxide, (3,3,5-trimethylcyclohexylidene)bis[(1,1-dimethylethyl)]	C ₁₇ H ₃₄ O ₄	1,1-Di-(tert-butylperoxy)-3,3,5-trimethylcyclohexane
12236-64-5	2-Naphthalenecarboxamide, N-[4-(acetylamino)phenyl]-4-[[5-(aminocarbonyl)-2-chlorophenyl]azo]-3-hydroxy-	C ₂₆ H ₂₀ ClN ₅ O ₄	Pigment Orange 38
43035-18-3	Benzenesulfonic acid, 4-[[3-[[2-hydroxy-3-[[4-methoxyphenyl]amino]carbonyl]-1-naphthalenyl]azo]-4-methylbenzoyl]amino]-, calcium salt (2:1)	C ₃₂ H ₂₆ N ₄ O ₇ S ^{1/2} Ca	Pigment Red 247
59487-23-9	2-Naphthalenecarboxamide, 4-[[5-[[[4-(aminocarbonyl)phenyl]amino]carbonyl]-2-methoxyphenyl]azo]-N-(5-chloro-2,4-dimethoxyphenyl)-3-hydroxy-	C ₃₄ H ₂₈ ClN ₅ O ₇	Pigment Red 187

¹ CAS RN: Chemical Abstracts Service Registry Number. The Chemical Abstracts Service information is the property of the American Chemical Society and any use or redistribution, except as required in supporting regulatory requirements and/or for reports to the Government of Canada when the information and the reports are required by law or administrative policy, is not permitted without the prior, written permission of the American Chemical Society.

Persons Required to Provide Information

1. This notice applies to any person who,
 - (a) during the 2006 calendar year, manufactured or imported a total quantity greater than 100 kilograms of a substance listed in section 1 of Schedule 1 to this notice, whether alone, in a mixture, in a product or in a manufactured item; or
 - (b) for substances listed in section 2 of Schedule 1 to this notice, reported pursuant to the *Canadian Environmental Protection Act, 1999* section 71 *Notice with Respect to Selected Substances Identified as Priority for Action*, published in the *Canada Gazette*, Part I, on March 4, 2006.

SCHEDULE 3

Information Required

1. The definitions in this section apply in this notice.

“calendar year” means a period of 12 consecutive months commencing on January 1st.

“import” includes movement into Canada, including internal company transfers across the Canadian border, but does not include transit through Canada.

“manufacture” includes to produce or prepare a substance; and includes the incidental production of a substance at any level of concentration as a result of the manufacturing, processing or other uses of other substances, mixtures, or products.

“manufactured item” means an item that is formed into a specific physical shape or design during manufacture and has, for its final use, a function or functions dependent in whole or in part on its shape or design, including clothing, empty storage containers, electrical gear and appliances or parts thereof, office and consumer electronics or parts thereof, tiles, electrical wire, foam slabs or shapes and plastic film, pipes, tubes or profiles, plywood, brake linings, fibres, leather, paper, yarns, dyed fabric, matches, flares, photographic films, and batteries.

“mixture” means a combination of substances that does not produce a substance that is different from the substances that were combined, including a prepared formulation, hydrate, and reaction mixture that are fully characterized in terms of their constituents (including paints, coating, solvent mixtures, azeotropic and zeotropic refrigerants, mixture that is under pressure and that is used for personal care, pharmaceutical, medical, household, laboratory, commercial or industrial.).

“product” excludes mixture and manufactured item.

“release” means the emission or discharge of a substance from the facility to air, land, or surface water, including discharges to municipal wastewater treatment plants.

“transit” means the portion of an international transboundary movement through the territory of a country that is neither the country of origin nor the country of destination of the movement.
2. If information required in this notice has already been sent to any department, agency or board of the Federal Government, provide the name of the person or branch in that department, agency or board to which the information has been sent, their affiliation, the date on which the information was sent and specify, by reference to the sections to this notice, which information was sent to that person or branch. The specified information is not required to be submitted under this notice.
3. If the information provided in response to this notice relates to more than one facility, persons to whom this notice applies shall provide the name and municipal address in Canada of each facility to which the information relates as an attachment to their submission.

4. Persons to whom this notice applies shall provide the following information:

Identification and Declaration Form — Certain Batch 1 Challenge Substances 2006

Identification

Name : _____

Canadian head office municipal address: _____

Contact name for CEPA 1999 section 71 notices: _____

Title of the contact: _____

Contact's postal address (if different from above): _____

Telephone number: _____ Fax machine number (if any): _____

Electronic mail (if any): _____

Request for Confidentiality

Pursuant to section 313 of the *Canadian Environmental Protection Act, 1999*, I request that the following parts of the information that I am submitting be treated as confidential. (*Specify the parts (e.g. sections, tables) of the information that you request be treated as confidential and include the reason for your request.*)

I do not request that the information that I am submitting be treated as confidential and I consent to it being released without restriction.

I declare that the information that I am submitting is accurate and complete.

Name (print)

Title

Signature

Date of signature

Provide the information no later than June 5, 2007, 3 p.m. Eastern Daylight Savings Time to:
Minister of the Environment, to the attention of the DSL Surveys Co-ordinator
Place Vincent Massey, 20th floor
351 Saint-Joseph Boulevard
Gatineau QC K1A 0H3
Telephone: 1-888-228-0530/819-956-9313 — Fax machine: 1-800-410-4314/819-953-4936
E-mail: DSL.SurveyCo@ec.gc.ca

¹ CAS RN: Chemical Abstracts Service Registry Number. The Chemical Abstracts Service information is the property of the American Chemical Society and any use or redistribution, except as required in supporting regulatory requirements and/or for reports to the Government of Canada when the information and the reports are required by law or administrative policy, is not permitted without the prior, written permission of the American Chemical Society.

18	Fertilizer
19	Finishing agent
20	Flame retardant - fire extinguishing agent
21	Flocculating - precipitating - clarifying agent
22	Flotation agent
23	Formulation Component
24	Fragrance - perfume - deodorizer - flavouring agent
25	Fuel - fuel additive
26	Functional fluid i.e. hydraulic, dielectric, or their additives
27	Humectant - dewatering aid - dehumidifier - dehydrating agent
28	Ion exchange agent
29	Lubricating agent - lubricant additive - mould release agent
30	Monomer
31	oxidizing agent
32	Paint - coating additive
33	Pesticide - herbicide - biocide - disinfectant - repellent - attractant
34	Photosensitive agent-fluorescent agent - brightener - UV absorber
35	Plasticizer
36	Polymer additive
37	Polymer, component of an article
38	Polymer, component of a formulation
39	Polymer, crosslinking agent
40	Propellant - blowing agent
41	Preservative
42	Processing aid
43	Reducing agent
44	Refrigerant
45	Sequestering agent
46	Solvent - carrier
47	Stripper - etcher - discharge printing agent - de-inker
48	Surfactant - detergent - emulsifier - wetting agent - dispersant
49	Tarnish remover - rust remover - descaling agent
50	viscosity adjuster
51	Water repellent - drainage aid
52	Water or waste treatment chemical
53	Other (specify)

EXPLANATORY NOTE

(This note is not part of the notice)

The Minister of the Environment and the Minister of Health (Ministers) have published on December 9, 2006 in the *Canada Gazette*, Part I, the *Notice of intent to develop and implement measures to assess and manage the risks posed by certain substances to the health of Canadians and their environment*. The Ministers will implement a series of measures regarding certain substances to further protect the health of Canadians and the environment from the potential effects of exposure to these substances. These measures apply to the substances identified by categorization of the *Domestic Substances List* as being

- (a) Persistent, bioaccumulative, and inherently toxic to the environment and that are known to be in commerce in Canada; and/or
- (b) A high hazard to humans and as having a high likelihood of exposure to individuals in Canada.

The Ministers will implement a series of measures regarding these substances to further protect the health of Canadians and the environment from the potential effects associated with exposure to these substances. These measures will

- Improve, where possible, persistence and/or bioaccumulation information;
- Identify industrial best practices in order to set benchmarks for risk management, product stewardship, and virtual elimination; and
- Collect environmental release, exposure, substance and/or product use information.

In so doing, the Ministers will make timely risk management interventions that minimize the risk of serious or irreversible harm associated with the substances.

The Notice of intent, published on December 9, 2006, covered a list of 193 substances on which information will be required on a quarterly basis within the next 3 years. This notice, pursuant to the paragraph 71(1)(b) of the *Canadian Environmental Protection*

Act, 1999, requires information for the first batch of substances. With respect to the 15 substances of the first batch, the Minister of the Environment requires the submission of specific information for 13 of them. This information will assist the Ministers to complete the assessment as to whether or not the substances meet the criteria set out in section 64 of the Act, to understand the use of the substances, to assess the need for controls and to improve the information available for decision-making. Two of the substances (91-20-3 and 54079-53-7) were included in a previous notice requiring information that provided sufficient information not to warrant their inclusion in the current notice.

This notice is published in the *Canada Gazette*, Part I, under paragraph 71(1)(b) of the Act. This notice requires the persons to whom it applies to provide certain information on their activities with respect to the substances listed in Schedule 1 to this notice.

Pursuant to subsection 71(3) of the Act, every person to whom this notice applies is required to comply with this notice within the time specified in the notice. The time specified in this notice is June 5, 2007, 3 p.m. Eastern Daylight Savings Time.

Compliance with the Act is mandatory. Subsection 272(1) of the Act provides that

272. (1) Every person commits an offence who contravenes
- (a) a provision of this Act or the regulations;
 - (b) an obligation or a prohibition arising from this Act or the regulations;
 - (c) an order or a direction made under this Act;
- ...

Subsection 272(2) of the Act provides that

272. (2) Every person who commits an offence under subsection (1) is liable
- (a) on conviction on indictment, to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than three years, or to both; and
 - (b) on summary conviction, to a fine of not more than \$300,000 or to imprisonment for a term of not more than six months, or to both.

Furthermore, with respect to providing false or misleading information, subsection 273(1) of the Act provides that

273. (1) Every person commits an offence who, with respect to any matter related to this Act or the regulations,
- (a) provides any person with any false or misleading information, results or samples; or
 - (b) files a document that contains false or misleading information.

Subsection 273(2) of the Act provides that

273. (2) Every person who commits an offence under subsection (1) is liable
- (a) on conviction on indictment, to a fine of not more than \$1,000,000 or to imprisonment for a term of not more than three years, or to both, if the offence is committed knowingly;
 - (b) on summary conviction, to a fine of not more than \$300,000 or to imprisonment for a term of not more than six months, or to both, if the offence is committed knowingly;
 - (c) on conviction on indictment, to a fine of not more than \$500,000 or to imprisonment for a term of not more than three years, or to both, if the offence is committed negligently; and
 - (d) on summary conviction, to a fine of not more than \$200,000 or to imprisonment for a term of not more than six months, or to both, if the offence is committed negligently.

The above provisions of the Act have been reproduced for convenience of reference only. If there is any variance between the above provisions and the wording of the Act, the official version of the Act prevails. For all purposes of interpreting and applying the law, readers should consult the official versions of Acts of Parliament.

For additional information on the Act and the *Compliance and Enforcement Policy for the Canadian Environmental Protection Act, 1999* and on applicable penalties, please contact the Enforcement Branch at (819) 994-0907. A copy of the policy is available at the following Internet site: www.ec.gc.ca/CEPAregistry/policies.

Provide your information no later than June 5, 2007, 3 p.m. Eastern Daylight Savings Time to: Minister of the Environment, attention of the DSL Surveys Co-ordinator, Place Vincent Massey, 20th Floor, 351 Saint-Joseph Boulevard, Gatineau, Quebec, K1A 0H3. An electronic copy of this notice is available at the following Internet addresses: www.ec.gc.ca/CEPAregistry/notices or www.chemicalsubstances.gc.ca.