FAQ section for Information Gathering Activities

General

1) What is an Inventory Update?

The Inventory Update (or IU) is an approach used to collect information on commercial status, such as uses and volumes, on substances in commercial use in Canada and is critical to informing activities in priority setting, risk assessment and risk management programs at Environment and Climate Change Canada (ECCC) and Health Canada (HC) to protect the health of Canadians and the environment. Summaries of this information are also made publically available and provide Canadians with access to information about substances in commerce.

View more information on Inventory Updates

Information Gathering

2) What is the goal of information gathering?

Information collected is used to inform chemicals management activities including:

- Tracking commercial status of substances in Canada
- Identification of risk assessment priorities
- conduct of risk assessments based on up-to-date information
- development of targeted risk management measures
- informing performance measurement of existing risk management instruments

3) How is information gathered?

This information is gathered in a number of different ways, including:

- Accessing publicly available information
- Research and monitoring
- Other programs and departments within the Federal Government
- Information available from other jurisdictions
- Data sharing agreements with other jurisdictions
- Voluntary data gathering initiatives
- Associations and joint industry submissions
- Mandatory Information gathering provisions under CEPA (sections 46, 68, 70, 71, etc.)
- Targeted follow-up to industry submissions

4) What are voluntary information gathering approaches?

Voluntary information gathering approaches is where information – such as scientific data (e.g., toxicological studies) and commercial activity information (e.g., substance use and quantities) - is gathered from industry and other stakeholders known to be engaged with substances of interest. Voluntary information gathering approaches are typically considered before mandatory information gathering activities (e.g. section 71 notices under CEPA 1999) are undertaken or as an alternative to mandatory approaches.

Visit the Two-year rolling information gathering plan to learn more about current and upcoming voluntary information gathering activities.

5) How should I submit my information?

When responding to information gathering initiative (e.g. voluntary or mandatory notice), reporting should be submitted using the online reporting system available through ECCC's Single Window.

The use of the single window facilitates tracking of information received and sharing of information within the Government.

6) What is Single Window and how am I to use it for reporting?

ECCC's Single Window is an online data reporting system that can be used to provide responses to CEPA Notices (e.g., Section 71) and New Substances notifications, as well as calls for voluntary data. Foreign suppliers and authorized third parties may also use the system to provide data. Refer to the Single Window User's Guide for details on how to create and manage an account.

If you have questions related to Single Window, please contact ec.gigu-swim.ec@canada.ca.

7) May I submit additional information?

You are encouraged to voluntarily submit online any information on any substance of interest**.** This information will help the Government of Canada strengthen decision-making for these substances and ensure all activities are considered before moving forward with any action.

8) Is there guidance on how to use and navigate through ECCC's Single Window?

The Single Window User's Guide provides information and tutorials about ECCC's Single Window, to help users create, edit or update information about their profile, organizations, facilities and contacts, to manage roles for other users, and to respond to program-specific initiatives.

9) Is there guidance on how to report to the CMP module within ECCC's Single Window?

Refer to the CMP Online Reporting – How-To Guide for general guidance and step by step instructions on how to complete your online submission. While each notice response should be unique, this guide addresses all functionalities needed to complete any submission for the CMP.

10) What are Blind Submissions?

A company that meets the requirements to respond to a data gathering initiative may need to contact their suppliers for additional information on a substance. Sometimes suppliers looking to protect their proprietary formulations may be reluctant to provide this information to their customers. In such a case, the customer and supplier are each invited to individually submit the relevant information in their possession directly to the Substances Management Coordinator. This 'blind submission' consists of two parts in which customers and their suppliers coordinate to determine which pieces of information each party will provide, then they independently submit their information to ECCC in order to meet the obligation under the mandatory notice. When using this process, a note should be provided with each submission identifying the other party and indicating that the supplier's submission completes the customer's submission or vice versa. The Substances Management Coordinator then links the submissions while maintaining all information as confidential.

Consider the following example:

During 2016, you imported a mixture into Canada from a foreign supplier. You follow up with your supplier to obtain information on the composition of the mixture to determine whether any reportable substance is present. Your supplier confirms the presence of a reportable substance and based on the total quantity of the mixture you purchased in 2016, you determine that you meet the reporting criteria outlined in the notice. However, your supplier is reluctant to share their product composition information with you as they consider their formulation confidential.

You and your supplier can submit a "Blind Submission" whereby:

- you respond providing as much information as you can, such as the quantity of *mixture* imported in 2016, the applicable Consumer and Commercial Code, etc.
- you provide a note to clearly explain the situation and identify your supplier
- your supplier provides the confidential information required to complete your submission directly to the Substances Management Coordinator (CAS RN, substance name, concentration of the reportable substance in the mixture, the applicable Substance Function Code(s), etc.).
- Along with their submission, your supplier should also provide a note to clearly indicate that their information is confidential and that it completes your submission

11) What are Joint Submissions?

A joint submission is where two or more persons or companies subject to a mandatory notice collaborate and pool their data together to submit amalgamated information.

Consider the following example:

Companies A, B, and C are part of the same association and are individually subject to a mandatory notice. Each company sends the information requested to a designated representative of the

association, and that person combines the information from all three companies into one submission to that is then provided to ECCC. This is considered a Joint Submission and it must be submitted online via Single Window.

Mandatory Data Collection Initiatives

12) Section 70 of CEPA

Section 70 of CEPA is a mandatory information gathering provision of CEPA 1999 requiring organizations to submit "*information that reasonably supports the conclusion that [a] substance is toxic or capable of becoming toxic*" and requires that ECCC be informed where a stakeholder both:

a) imports, manufactures, transports, processes or distributes a substance for commercial purposes, or uses a substance in a commercial manufacturing or processing activity, and
b) obtains information that reasonably supports the conclusion that the substance is toxic or is capable of becoming toxic

Types of information that could be submitted include:

- Unpublished data or studies on hazard or exposure, reports of adverse effects, documents on releases or emissions that could lead to unacceptable exposure to the public or the environment

Data can be reported online via the CMP3 initiative. Clearly indicate that the information submitted pertains to section 70. Updated guidance is available upon request.

13) Section 71 of CEPA

In addition to other mechanisms available, the Government of Canada uses the mandatory information gathering provisions of section 71 of CEPA to address key data needs and gather information required for various initiatives. A mandatory notice issued under section 71 of CEPA is published for the purpose of assessing whether reportable substances are toxic or capable of becoming toxic, or for the purpose of assessing whether to control, or the manner in which to control the reportable substances.

For those that meet the criteria for reporting outlined in the notice, responses are *mandatory* within the timeframe specified. Responses are based on information that your company possesses or to which you may reasonably be expected to have access.

14) How do I determine if I am required to respond to a mandatory Section 71 Notice?

To determine if you are required to respond, you must refer to the list of reportable substances in the notice, and review the reporting criteria with respect to the section 71 notice. These criteria may include the following:

- the type of activity (including manufacture, import, export or use)
- whether the substance is alone, in a mixture, in a product or in a manufactured item
- calendar year

- quantity threshold
- concentration threshold

A notice may also include exclusions that should be considered when determining compliance with the notice.

15) What if I have previously submitted information?

If you have previously submitted information as part of a previous data gathering initiative, you could be exempt from reporting to a subsequent mandatory notice where:

- the information previously submitted also applies to the most recent calendar year for which you are responding to a notice
- the information meets all the requirements of the subsequent mandatory notice
- the department is satisfied that the information is complete

If the above applies to you, then the previously submitted information may not be required to be resubmitted; instead**,** the following information should be provided to the Substances Management Coordinator:

- identification of the substance
- date on which the information was submitted
- company name (if applicable) and name of the individual who submitted the information
- the specific program and/or individuals at Government of Canada to whom the information was submitted.

16) Are foreign suppliers required to respond to a mandatory notice?

The shipper or foreign supplier (the company exporting to Canada) are not required to respond to a notice. It is rather the receiver (who imports to Canada) that is subject to respond, to an information gathering initiative if the requirements are met (note: the shipper/supplier and receiver may be the same person). The foreign supplier is encouraged to inform their customers that they import a reportable substance and may meet the reporting requirements of a notice. Foreign suppliers may also choose to submit relevant information voluntarily.

17) What if I require more time to comply with a mandatory notice?

It is important to respect the timelines for a given notice; however, if you realize that you require more time to comply with a notice, an extension request may be submitted in writing to the Substances Management Coordinator.

A request for extension of time must be made before the notice's deadline date for submission. Extensions requests cannot be considered after the notice deadline has expired. It is recommended that any request for an extension be submitted at least five (5) business days before the deadline.

18) What if I don't meet the reporting criteria of a notice?

If you have determined that you do not meet the reporting criteria of a mandatory notice under CEPA, you may not be legally obligated to respond.

In situations where you may not meet the mandatory reporting requirements, you may still chose to provide information on a voluntary basis. One of the following two options may be applicable :

- **Declaration of Stakeholder Interest**: This option applies to you if you do not meet the criteria to respond to the notice, but you have a past, current or future interest in a reportable substance. In such a case, you may identify yourself as an interested stakeholder by completing a **Declaration of Stakeholder Interest** online. You may also use this approach to provide the department with information you consider relevant regarding any substances of interest. When completing this form, you should:
  - identify the substances of interest to you, and
  - specify your activity or potential activity with the substance (e.g.: import, export, manufacture, or use)

  For example, if you had no activity with the reportable substance(s) or had activity below the quantity threshold, and/or the activity took place during a calendar year not specified in the notice, you are encouraged to provide any information you consider relevant for the alternate calendar year by completing a Declaration of Stakeholder Interest.

  Interested stakeholders may be contacted for further information regarding their interest in a reportable substance.

- **Declaration of Non-Engagement**: This option is available to you if you have no activity and no commercial interest in any of the reportable substances identified in a notice. If this applies, you may choose to complete a **Declaration of Non-Engagement** online.

Definitions

19) "Export"

Export relates to the movement of a substance beyond the borders of Canada of any substance listed in a mandatory information gathering initiative, or any mixture that contains a reportable substance.

Your activities **do not meet** the definition of "export" if:

- you sold or shipped a reportable substance or a mixture containing a reportable substance within Canada only or that was already located outside of Canada at the time of sale or shipment

20) "Import"

Import relates specifically to the substance's movement into Canada from another country (whether it is alone or contained in a mixture, product or manufactured item). The person in Canada who is responsible for the entry of the reportable substance into Canada would typically be considered the importer and the one who is legally required to respond to a notice provided the other relevant reporting criteria are met.

Activities that would meet the definition of "import" include:

- You purchased a reportable substance from a foreign supplier, and the substance was shipped directly from the foreign supplier to your location in Canada
- You ordered a mixture containing a reportable substance from a foreign source, and the mixture was shipped directly from the foreign source to a distribution warehouse in Canada, on your request
- You received a product containing a reportable substance as an internal company transfer from a foreign source

Purchasing a manufactured item containing a reportable substance from a Canadian company or transferring a mixture containing a reportable substance across provincial borders to be stored in a different warehouse would not typically be considered "import" activities.

21) "importer"

An importer is the person responsible for the movement of substance(s) into Canada from another country. For the purposes of a notice, you are responsible for responding to a notice if you "caused" the substance (whether alone, in a mixture, in a product or in manufactured item) to come into Canada. In other words, the substance came into Canada as a result of your order.

If not reporting directly, non-resident importers are encouraged to inform their customers that they import a reportable substance and may meet the reporting requirements of a notice. Foreign suppliers may also choose to submit information voluntarily on behalf of their Canadian customers or if your data includes confidential business information (CBI) that you do not wish to share with your Canadian customers to allow them to respond to the notice, please refer to the section on blind submissions. This process allows foreign suppliers and Canadian customers to collaborate to provide all the information required in the Notice while still protecting CBI.

22) "information to which a person may reasonably be expected to have access"

When responding to a notice you are required to provide reportable information that your company already possesses and information to which you may reasonably be expected to have access. For example, when importing a substance, mixture, product or manufactured item, in addition to the information provided with the shipment, you may reasonably be expected to have access to import records, Safety Data Sheets (SDS - an important source of information on the composition of a purchased product), etc. In addition, you may have access to your parent company's information regarding the reportable substance(s) which may or may not be contained in a mixture, product or manufactured item.

A SDS may not list all product ingredients for which information is required; in which case more detailed information on product composition may be obtained through your supplier. Typically, no additional laboratory testing or scientific research is required to be conducted to comply with this requirement.

23) "intended for use by or for children"

Your substance (whether alone, in a mixture, in a product, or in a manufactured item containing the reportable substance) would be considered as intended for use by or for children where any of the following apply:

- A substance- whether alone, in a mixture, in a product, or in a manufactured item – would be commonly recognized (i.e., by a reasonable person) as being intended for children of 14 years or less in age.
- The manufacturer of the substance, mixture, product, or manufactured item containing the substance, state through product labeling or other written materials that the product is intended for, or will be used by, children of 14 years or less in age.
- The advertising, promotion, or marketing of the substance, mixture, product, or manufactured item containing the substance, is targeted towards children of 14 years or less in age.

24) "intended for use in commercial activities"

Intended for use in commercial activity refers to the use of a substance of interest, or the use of a mixture, product or manufactured item containing a substance of interest, by a commercial enterprise providing saleable goods or services.

Intended for use in commercial activity may include:

- A substance contained in a mixture sold to an enterprise as an automotive cleaning product.
- A substance contained in a product used by a company when providing their painting services to other persons or companies.

25) "intended for use in consumer activities"

Intended for use in consumer activity refers to the use of a substance that is sold directly to or made available to consumers (whether alone or as part of a mixture, a product, or a manufactured item) for its use in or around a household, school, and/or recreational area.

Intended for use in consumer activity may include:

- A substance contained in an imported manufactured item (e.g., toys) that is sold or available to consumers.
- A substance contained in a product (e.g., retail household sealant) sold or available to consumers for do-it-yourself home maintenance.
- A substance contained in food packaging items that are sold or made available to consumers for their personal use.

26) "in transit"

“In transit” refers to the portion of an international transboundary movement of a substance through the territory of a country that is neither the point of origin nor the final destination. Whether something is considered in transit has to do with shipping destinations of the goods at the time of entry into Canada. Cases where goods are warehoused and then sold/distributed to foreign customers; are reportable.

The following two scenarios illustrate what may and may not be considered “in transit”:

- Goods are shipped from Europe to the Port of Halifax, where they are transferred to trucks that transport them to Toronto, where the goods are transferred to rail cars that transport them to British Columbia before being transferred to another truck which transports them to their final destination in Seattle, Washington. While in Canada, these goods are considered to be “in transit”.
- Goods are shipped from Europe to the port of Halifax, where they are transferred to trucks and transported to a Toronto-based destination. The goods remain on their pallets, shrink wrapped, and are stored in a distribution warehouse until such time as they are sold internationally (for example, to a company located in Seattle, Washington) and subsequently shipped accordingly (exported). While in Canada, these goods **would not** be considered to be “in transit”.

27) “known or anticipated final goods”

“Known or anticipated final goods containing the substance” refers to the product, goods, or manufactured item that contains the substance of interest and that is offered for sale. Final goods can be a substance alone, a mixture, a product, or a manufactured item.

Occasionally, information on the final goods containing the substance is unavailable when you submit your information. In such cases, respond using the most complete and accurate information available to you.

28) “Manufacture”

Manufacture relates to the creation or production of a substance and includes both the intentional and incidental production of the substance.

Your activities may meet the definition of “manufacture” if:

- You perform a chemical process where *substance A* reacts with *substance B* to produce *substance C*. In this situation you are considered to have manufactured *substance C*.
- You blend *substance D* with *substance E*, and *substance F* is produced as a by-product. In this situation you are considered to have manufactured *substance F*.
- You extract raw material from the earth and separate this into *substance G (e.g. ore)* and substance H (e.g. waste). In this situation you are considered to have manufactured *substance G and substance H*.

Sometimes there is confusion between the terms “use” and “manufacture”. Typically, utilizing a reportable substance to fabricate another product would NOT be considered “manufacture” for the

purposes of reporting to ECCC as you are not creating the substance. In this case, the activity would be considered “use”, which may be a separate reportable activity.

29) “manufactured item”

Manufactured item refers to an item that is formed or fabricated 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.

Manufactured items include, but are not limited to:

- electrical equipment
- medical equipment
- sporting goods
- computers
- electronic appliances

30) “mixture”

Mixture refers to a combination of two or more substances and that **does not** chemically react to produce a substance that is different from the substances that were combined. Mixtures include, but are not limited to:

- prepared formulations
- reaction mixtures that are fully characterized in terms of their constituent substances
- hydrates
- homogenous and heterogeneous alloys

31) North American Industry Classification System (NAICS) codes

The North American Industry Classification System (NAICS) is used by business and government to classify business establishments according to type of economic activity based on specific codes. The NAICS numbering system was developed by *Statistics Canada*, the *U.S. Office of Management and Budget*, and Mexico's *Instituto Nacional de Estadistica Geografia e Informatica*.

When reporting a NAICS code choose the code that best describes the primary activity(ies) taking place at a particular facility. The code(s) will provide general information on the number and types of sectors involved with the reportable substances.

The 2017 NAICS list of codes is available here.

32) “product”

Product is a broad category that that includes anything that does not fall within the definition of a mixture or manufactured item.

Products include, but are not limited to:

- paints and coatings
- ink refills and colourants
- cosmetics and personal care products *(e.g.: toothpaste, mouthwash, creams, and lotions)*
- cleaning products
- adhesives
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33) Substance Function (U) and Commercial and Consumer (C) Codes

Substance Function codes (U codes) and Consumer and Commercial codes (C codes) are used to describe the function or use of a substance. U codes and C codes were developed jointly among the US Environmental Protection Agency, HC and ECCC in order to facilitate the exchange of information between the US and Canada and to encourage consistency in reporting on chemical substances by industry.

Substance Function codes refer to the function of the substance itself with regards to the intended physical or chemical characteristic for which a substance is either used, consumed as a reactant, or incorporated into a formulation, mixture, product, or manufactured item. These codes all begin with the letter U followed by 3 numbers.

For example, if the function of the substance is to:

- Polish a surface, then, substance function code “U001 – Abrasives” should be selected;
- Give colour to a mixture, then, substance function code “U021 – Pigments” should be selected;
- Increase the rate of a reaction, then, substance function code “U024 – Process regulators” should be selected.

Consumer and Commercial codes refer to the application of a substance alone, or a mixture, product or manufactured item containing the substance with regards to its purpose in a consumer (i.e., end application) or commercial setting (i.e., the anticipated application of the substance, item or product).

- These codes all begin with the letter **C**, followed by 3 numbers.
- Although the codes are entitled “Consumer and Commercial Codes”, these codes apply to substances, mixtures, products, and manufactured items that may only be used in an industrial setting or for an industrial application.

For both types of codes, U- or C-999 is reserved for a designated “Other” code; in other words, U- and C-999 should only be used when there is no other code to match the application or function of the substance. When selecting this code, a concisely written description of the substance function or application must be provided.

For example, if the substance is contained in;

- A toothpaste, then, Commercial and Consumer code “C108 – Personal care” should be selected;

- A floor paint, then, Commercial and Consumer code “C202.01 – Paints and coatings” should be selected;
- A rug, then, Commercial and Consumer code “C101 – Floor coverings” should be selected.

34)“Use”

A number of activities are captured under the term “use” for the purposes of reporting. For example, should you use a reportable substance to fabricate a mixture, product or manufactured item; or, you would be considered to “use” the substance.

Activities that meet the definition of “use” include:

- You blend a reportable substance with other components to make a mixture
- You react a reportable substance with another substance to prepare a product
- You blend a mixture containing a reportable substance as an impurity with other components to make another mixture
- You use a product containing a reportable substance to make a manufactured item

Typically, “use” excludes sale, repackaging or warehousing.

The purchase of a mixture which contains a reportable substance from your supplier located in Canada, for the purpose of simple resale to your customers; the use of a manufactured part (e.g. rubber equipment part) containing a reportable substance in the fabrication of a larger piece of equipment; and/or using a manufactured part containing a reportable substance to service machinery and equipment at your processing plant; are not considered "use" activities.

Confidential Business Information (CBI)

35) What if I consider my business information is confidential?

Pursuant to *section 313 of CEPA*, any person who provides information in response to an information gathering initiative or notice may submit, along with the information, a written request that it be treated as confidential. A request for confidentiality may be submitted for all or part of the information provided. A request should only be made for information that is truly confidential.

Upon receipt of a request for confidentiality under section 313 of CEPA, in relation to information submitted, the Minister of the Environment and Climate Change shall not disclose that information except in accordance with the law.

Click here for details on the approach to promote transparency in Chemicals Management Plan risk assessment activities.

36) What justifications are available for confidentiality claims?

Any person who requests that their information be treated as confidential needs to justify the claim based on one of the following criteria:

a) it is a trade secret
b) it is information of a financial, commercial, scientific or technical nature that is treated consistently in a confidential manner by the submitter
c) its disclosure could reasonably be expected to result in material financial loss or gain to, or could reasonably be expected to prejudice the competitive position of the submitter
d) its disclosure could reasonably be expected to interfere with contractual or other negotiations of the submitter

A justification is typically required for each substance reported.