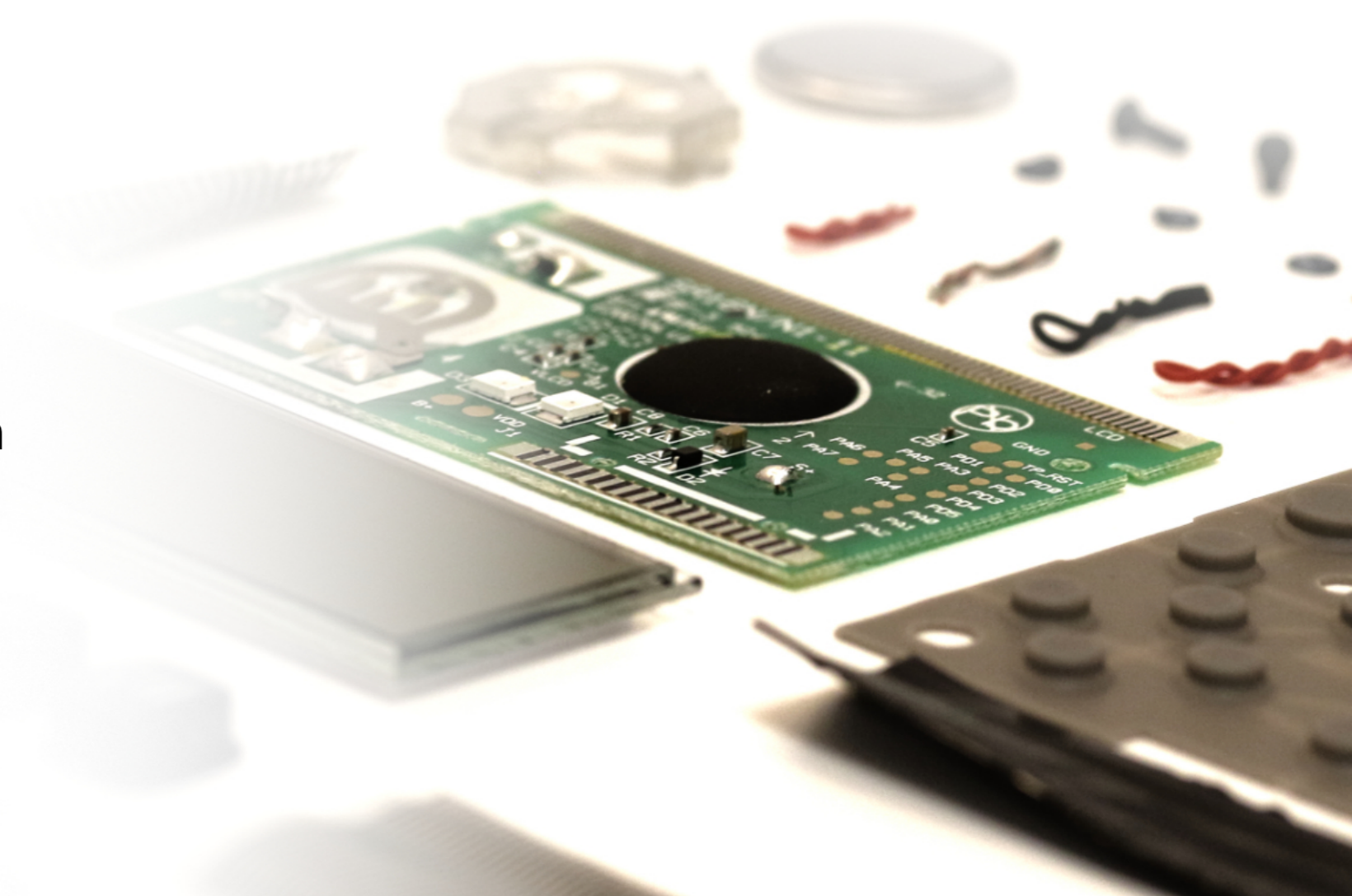


CEPA Section 71: Mandatory Surveys

June 2023 Survey (Due January 2024)

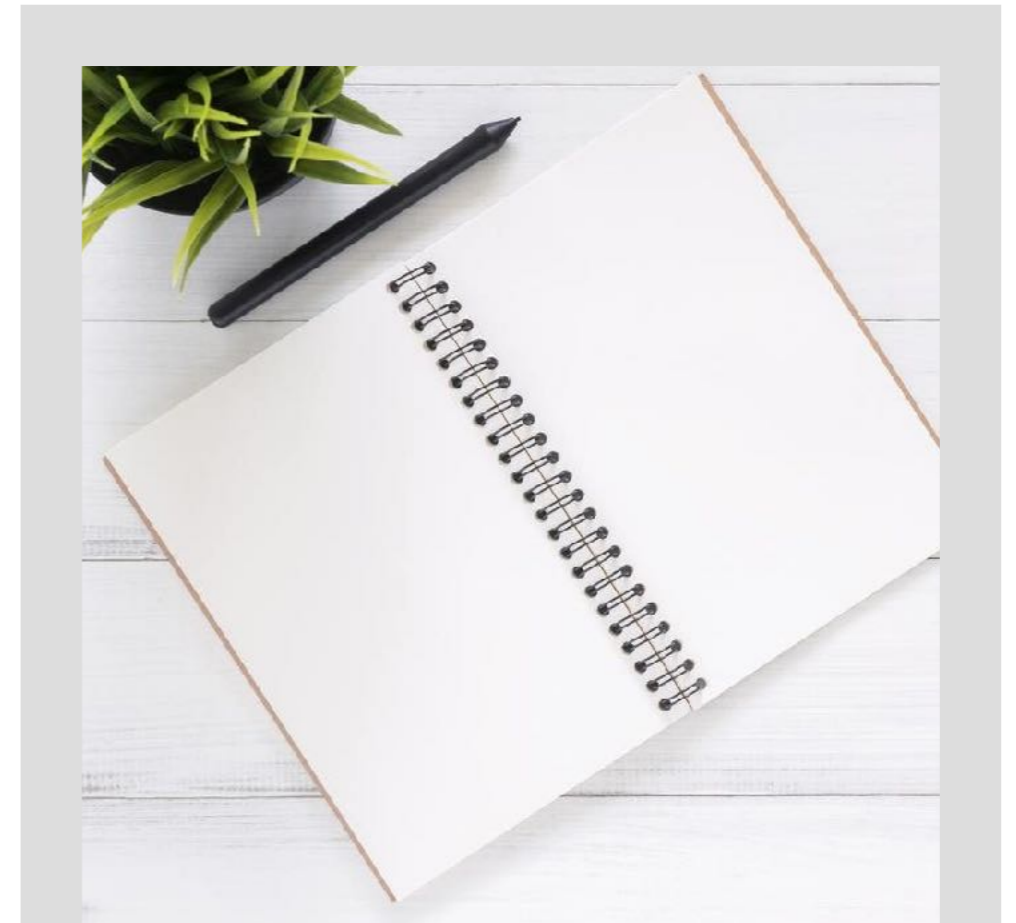
Presented by:
Bruce Calder
VP Consulting Services at Claigan

August 23 2023



Overview - Agenda

- Section 71
 - Canadian Chemical Management Plan
 - June 2023 Notice
- Surveys
 - Mandatory Nature
 - June 2023 Notice
 - Scope
 - Substances
- Challenges
 - High technical nature
 - Large scopes
- Compliance process
- [Claigan](#)



Section 71 Notices

- **Mandatory Surveys**

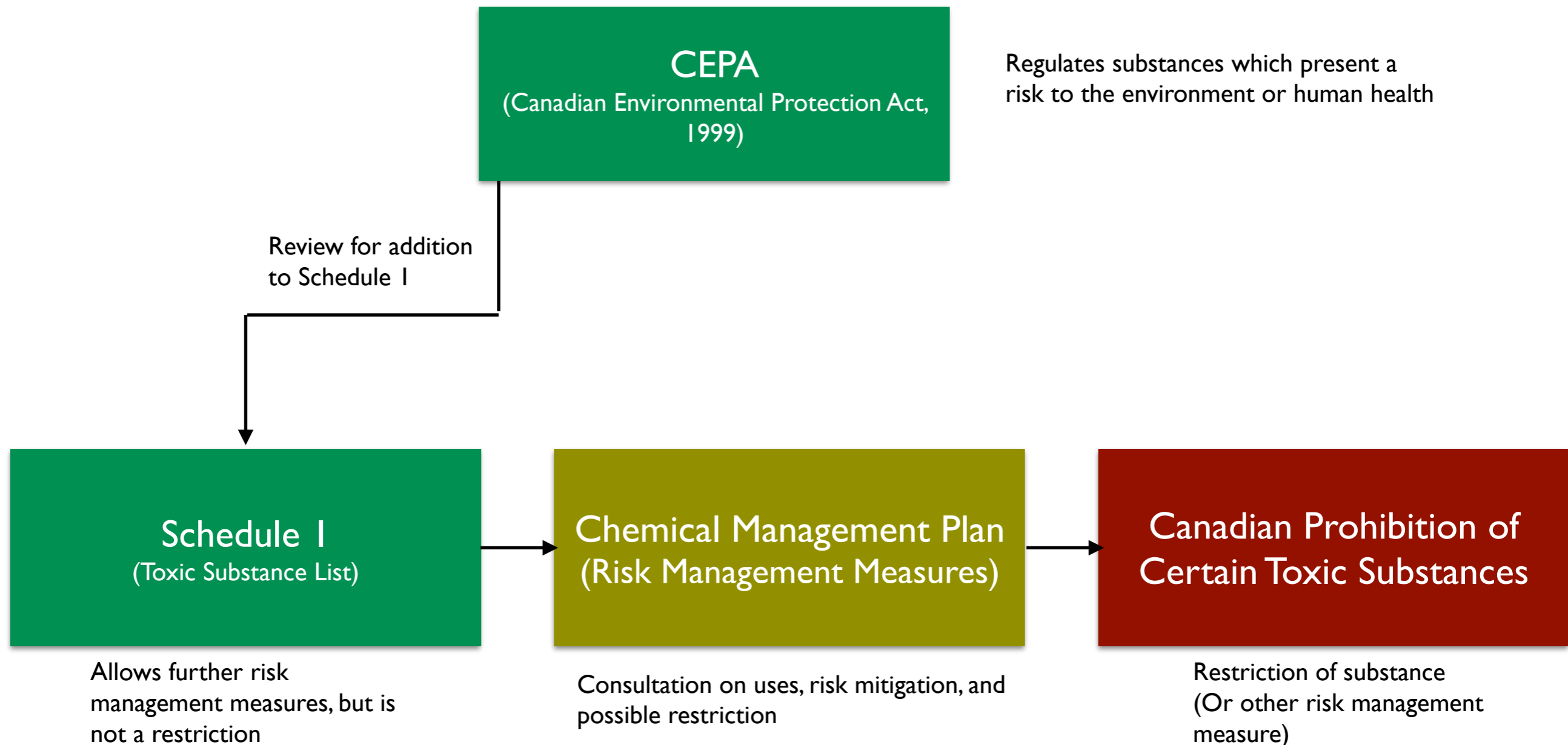


Government
of Canada

Gouvernement
du Canada

- Mandatory provision under the Canadian Environmental Protection Act, 1999 (CEPA 1999)
- Related to
 - Certain substances requiring information for risk management
- **Mandatory** for importers into and manufacturing in Canada

Canadian Chemical Regulation



ex. Section 71 surveys



Previous Section 71 Notices

- Previous notices/surveys
 - (Roughly 1 to 2 surveys year)
 - Fall 2017 - Inventory on Microorganisms
 - Fall 2018 - Quarternary Ammonium Salts
 - Fall 2018 - Bisphenols
 - Spring 2019 - Flame retardants
 - 2022 - Pharmaceutical ingredients

Section 71 Survey Spring 2023

- **Section 71 Survey**

- *Mandatory chemical survey*

- *For importers and manufacturers of chemicals in mixtures and articles*



Government
of Canada

Gouvernement
du Canada

Information gathering plan (2022 – 2024)

Fall 2022

- Certain substances under the CMP — 2022

Spring 2023

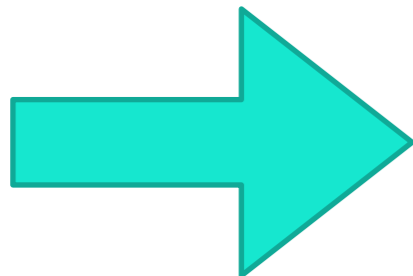
- Per- and polyfluoroalkyl substances

Fall 2023

- Certain substances under the CMP — 2023

Spring 2024

- Certain substances on the Revised In Commerce List – Phase 3



Just appeared
[Due Jan 2024](#)

Chemical Management Plan

A-Z index: substances addressed in the third phase of the Chemicals Management Plan 3 Substances

Get quick, easy access in this A-Z index to assessment publications being released in the third phase of the Chemicals Management Plan (CMP).

View the list of approximately [1,550 substances included in the third phase of the CMP](#) for a more detailed account of the identity of substances included in the various assessment publications. View the [Two-year Rolling Risk Assessment Publication Plan](#) for scheduling information.

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [Y](#) [X](#) [Z](#)

A

[Acetic acid](#)

[Acetic anhydride](#)

[Acetonitrile \(Nitriles Group\)](#)

[Acids and Bases Group](#)

[Acrylates and Methacrylates Group](#)

[Alcohols Group](#)

[Aliphatic Amines Group](#)

[Aliphatic Diesters Group](#)

[Alkanolamines and Fatty Alkanolamides Group](#)

[Alkyl Aryl Phosphites Group](#)

[Alkyl Halides Group](#)

[Alkyl Imidazolines Group](#)

[Alkyl Sulfates and \$\alpha\$ -Olefin Sulfonate Group](#)

[Anthraquinones Group](#)

[Antimony-containing Substances Group](#)

[Approach for a Subset of Inorganic and Organometallic Substances](#)

[Approach for a Subset of Petroleum Substances Prioritized during Categorization](#)

[Approach for a Subset of Organic and Inorganic Substances Prioritized Under the Chemicals Management Plan](#)

[Arenes Group](#)

Part 1 of 2
852 of 1,550 substances

New Section 71

- **New Section 71 Survey**

- [Released June 24 2023](#)
- Due January 2024

- **Mandatory to complete if**

- >0.1% in articles or mixtures; and over 100 kg per annum
- Plus additional criteria for articles
- **852** substances sorted by CAS number

- **Applies to all companies importing into or manufacturing in Canada**



Responding Challenges

- Challenges
 - Highly technical
 - Very chemistry intensive
 - Not readily available information
 - But mandatory

Responding In Practice

- Key passage in guidance -
 - **“Reasonably accessible information”**
 - If you are subject to the notice,
 - you are required to provide information that your organization (company) possesses or to which you may be reasonably expected to have access.
 - Manufacturers would be reasonably expected to have access to their formulations.
 - When importing a substance or good, it is reasonable that the importer has access to import records and relevant Safety Data Sheets (SDS).
- Note
 - Importers of ‘manufactured items’ (articles) have a lower expectation of reasonably accessible information

Responding In Practice Products (Chemicals)

- Chemicals
 - Liquids, powders, gases, pharmaceuticals
- Expectation
 - Review SDS for ingredients
 - From review, make a reasonable assessment of applicable survey requirements such as
 - Annual volume/concentration
 - Uses
- Note
 - If a substance would not normally be on a SDS (due to concentration or lack of hazard), there would be a lower expectation

Responding In Practice

Manufactured Items (Articles)

- **Manufactured items**
 - Furniture, clothing, medical devices, etc..
- **Expectation**
 - Review of substances/scope for applicability to your products
 - Identify high risk products
 - Work with suppliers or specialists for best estimate of
 - Annual volume & average concentration
 - Uses
- **Note**
 - Supplier data will often be of minimum use except in specific situations

Scope for Survey

- Eight hundred fifty-two (852) chemicals
 - 100kg (1,000 kg for some substances) of a chemical in a
 - > 0.1% of Mixture, or
 - > 0.1% of an Article (component)
 - If article is (any of the following)
 - Intended for children <14,
 - Comes in contact with human mucosa,
 - Cookware,
 - Food packaging,
 - Bedding,
 - Furniture, or
 - Flooring
- Note - if not impacted, a non-engagement letter is still required

Section 71 Survey

Example - High Risk Chemicals

- Survey - 852 chemicals
 - One hundred nine (109) are in common usage
 - Forty-four (44) can be reasonably found in products

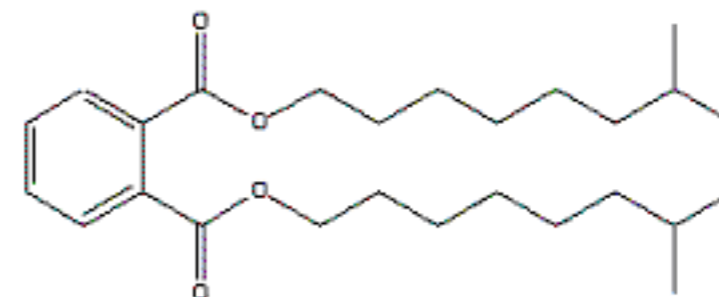
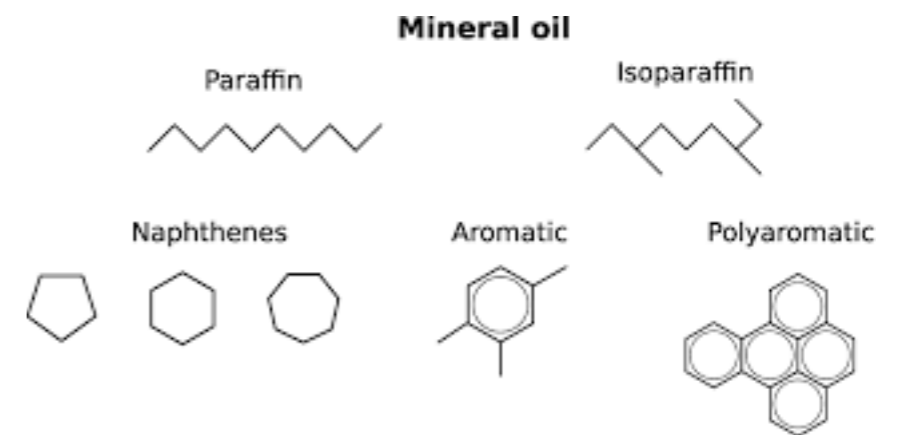
- Example chemicals in the survey

- Mineral oil

- Very common in lubricants

- DINP

- One of the most common flexible PVC plasticizer



- Unless you have the specialized resource in house
 - Use an external specialized resource
- Plan
 - **Specialized resource**
 - Reasonable review of uses and risk
 - Fundamental data
 - Completes submission
 - **Manufacturer / importer**
 - Support with product manufacturing / importation data where relevant
 - Submits the completed submission to Canadian govt.

Risk of declarable chemicals
Should be complete for Aug

Claigan Approach

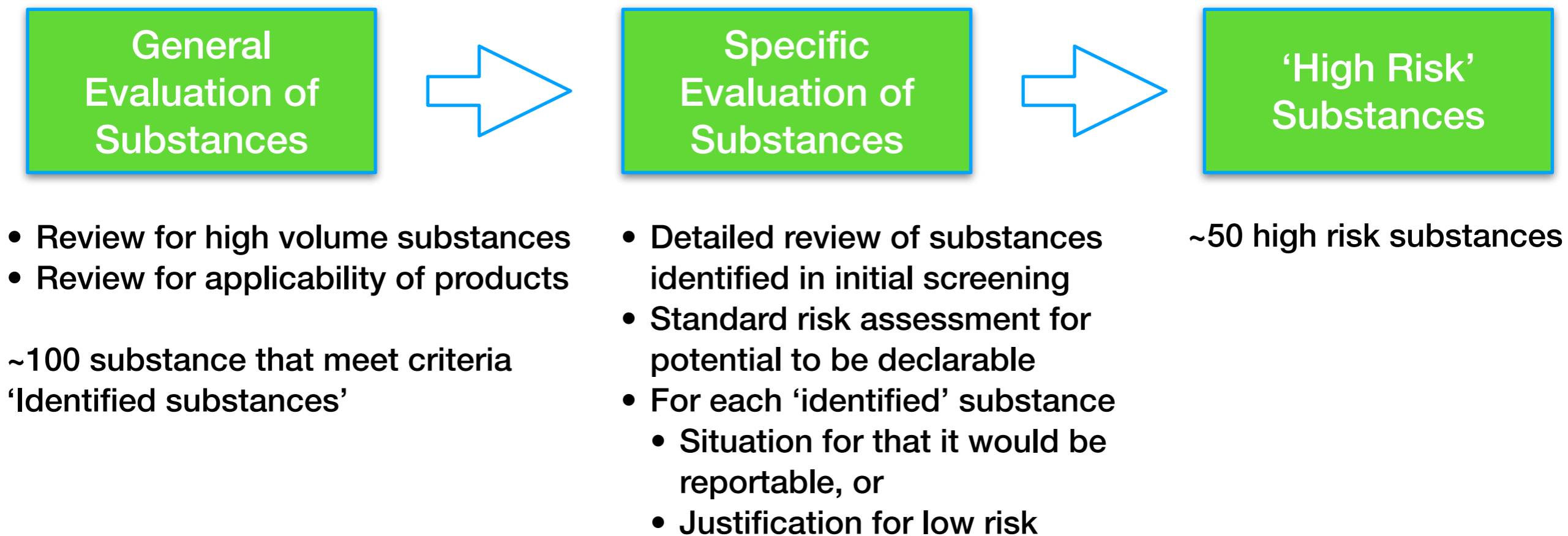
Section 71 Survey (June 2023)

- **Service**
 - Phase 1 - Overall risk assessment of substances
 - Phase 2 - Assessment of high risk substances to customers products
 - Phase 3 - Creation of data set for submission
 - Phase 4 - Submission and justification output

Section 71 Survey (June 2023)

Phase I

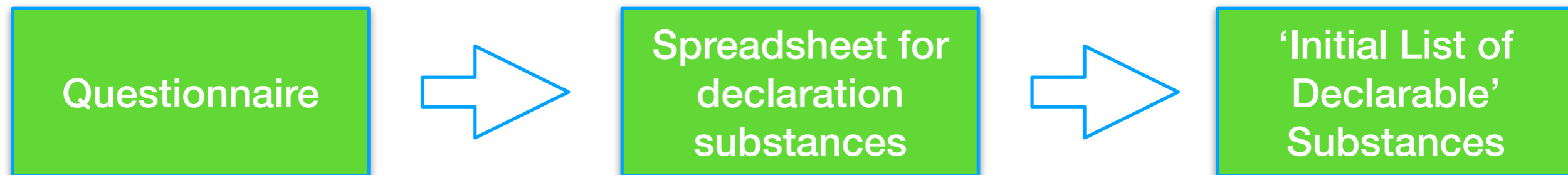
- **Phase I - Overall risk assessment of substances**
 - One (1) evaluation leveraged for all clients.



Section 71 Survey (June 2023)

Phase 2

- **Phase 2 - Assessment of high risk substances to customers products**
 - Evaluation of high risk substances for each customer



- Excel Y/N [questionnaire](#) for client

- [Spreadsheet](#) that translated questionnaire to 'initial list of declarable' substances

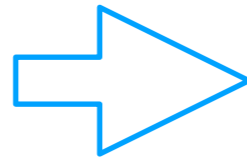
0 to 50 substances

Section 71 Survey (June 2023)

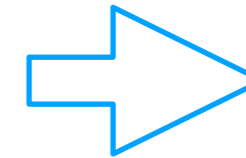
Phase 3

- **Phase 3 - Creation of data set for submission**
 - Evaluation of high risk substances for each customer

Deeper Dive on
'Initial List of
Declarables'



Next steps for
initial list



Declarable
information for
Survey

- Review of initial list for
 - Specific applicability
 - Next steps

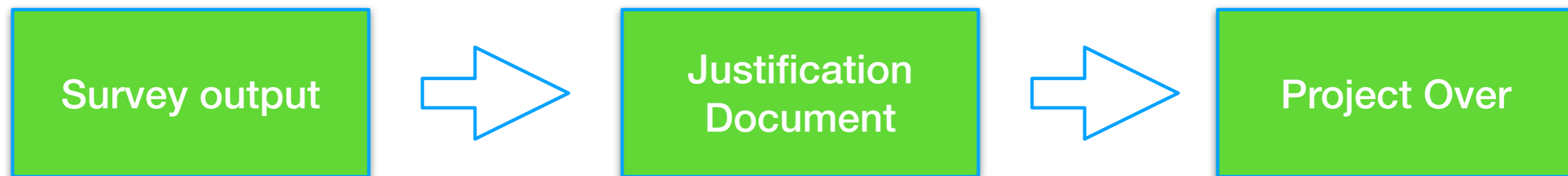
- Solve
 - Presence (Y/N)
 - Concentration
 - Volume
- May involve a combination of
 - Client questions
 - Supplier specific questions
 - SDS review
 - Representative testing
 - Volume information (from client)

Declarable information
for

- 0 to 50 substances

Phase 4

- **Phase 4 - Submission and justification output**
 - Creation of outputs



- Complete survey [Excel](#)
- Or
- Declaration of [Non-Engagement](#)
 - I.e. No reportables

- Word document with
 - Justification of substance to declare
 - Justification of substances not to declare
 - Appendix of non-declarable substances

- Client to submit file
- Claigan may support in web meeting if needed

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 - Furniture, or
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Upcoming Webinars

- [PFAS in Products](#)
 - Topic
 - Updated information on PFAS in products
 - Fluoropolymers
 - Water soluble PFAS (such as PFOA)
 - August 30 2023
- PFAS Submission Projects - Draft Submissions
 - For project participants only
 - Link to be sent out in next week
- September 6 2023

Upcoming Webinars

Claigan Section 71 Service

- [Webpage](#)



CLAIGAN ENVIRONMENTAL

PFAS TESTING

TESTING

CONSULTING

WEBINARS

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PFAS PROJECT

CEPA – SECTION 71

Canadian Environmental Protection Act (CEPA) Section 71

Section 71 Chemical Survey

Under the Canadian Environmental Protection Act (CEPA), Canada issues periodic mandatory surveys, such as, the batch 1 chemical management plan survey of June 2023. The completion of these surveys is mandatory for companies importing or manufacturing these chemicals in mixtures or articles (subject to certain criteria) into or in Canada. The most recent survey of over eight hundred chemicals was published in June 2023 and is due January 2024.

These surveys are technically challenging and involve wide ranges of chemicals and uses. Claigan simplifies the process by reviewing all the chemicals and determining first whether each chemical is likely to be in products or chemicals in Canada, and whether any are likely to be in any of your products.

From that refined risk assessment, Claigan can work with you to resolve any of the possible hundreds of chemicals that could be in your products and either create the submission to the Canadian government, or the non-engagement letter (with justification) if your company turns out not to have any declarable substances.



Recommendations

- Unless you have the specialized resources in house
 - Use an external specialized resource (**Claigan**)

Q&A

bruce.calder@claigan.com

- Plan
 - **Specialized resource**
 - Reasonable review of uses and risk
 - Fundamental data
 - Completes submission
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