



Justice Laws Website

- [Home](#)
- > [Laws Website Home](#)
- > [Consolidated Regulations](#)
- > [SOR/2002-374 - Table of Contents](#)
- > [SOR/2002-374](#)

New Substances Fees Regulations (SOR/2002-374)

Full Document: [HTML](#) | [XML](#) [35 KB] | [PDF](#) [187 KB]

Regulations are current to 2013-09-04

New Substances Fees Regulations

SOR/2002-374

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Registration 2002-10-15

New Substances Fees Regulations

Whereas, pursuant to subsection 332(1) of the Canadian Environmental Protection Act, 1999^a, the Minister of the Environment published in the Canada Gazette, Part I, on June 30, 2001 a copy of the proposed New Substances Fees Regulations, substantially in the form set out in the annexed Regulations, and persons were given an opportunity to file comments with respect to the proposed Regulations or to file a notice of objection requesting that a board of review be established and stating the reasons for the objection;

^aS.C. 1999, c. 33

Whereas, pursuant to subsection 328(3) of that Act, the fees that are prescribed by the annexed Regulations for services provided do not exceed the cost to Her Majesty in right of Canada of providing those services;

And whereas, pursuant to section 329 of that Act, the Minister of the Environment and the Minister of Health have consulted with those persons and organizations that the Minister of the Environment and the Minister of Health consider to be interested in the matter;

Therefore, the Minister of the Environment and the Minister of Health, on the recommendation of the Treasury Board, pursuant to section 328 of the Canadian Environmental Protection Act, 1999^a, hereby make the annexed New Substances Fees Regulations.

Ottawa, September 3, 2002	Ottawa, October 11, 2002
David Anderson	A. Anne McLellan
Minister of the Environment	Minister of Health

INTERPRETATION

1. The definitions in this section apply in these Regulations.

“Act”

“Act” means the Canadian Environmental Protection Act, 1999. (*Loi*)

“assessment”

“assessment” means the assessment of information in respect of a new substance for the purpose of determining, under section 83 of the Act, whether the new substance is toxic or capable of becoming toxic. (*évaluation*)

“DSL”

“DSL” means the Domestic Substances List maintained by the Minister under subsection 66(1) of the Act. (*liste intérieure*)

“Minister”

“Minister” means the Minister of the Environment. (*ministre*)

“NDSL”

“NDSL” means the Non-Domestic Substances List maintained by the Minister under subsection 66(2) of the Act. (*liste intérieure*)

“new substance”

“new substance” means any substance that is not on the DSL. (*substance nouvelle*)

“notifier”

“notifier” means any person who manufactures or imports a new substance, or who intends to do so, and who provides, in accordance with paragraph 81(1)(a) of the Act, the information required under a schedule to the [New Substances Notification Regulations \(Chemicals and Polymers\)](#). (*déclarant*)

SOR/2005-286, ss. 1, 6, 7(F).

APPLICATION

2. (1) These Regulations do not apply to

(a) biochemicals, biopolymers and research and development substances regulated under the [New Substances Notification Regulations \(Chemicals and Polymers\)](#); and

(b) organisms regulated under the [New Substances Notification Regulations \(Organisms\)](#).

(2) These Regulations do not apply to the notifier of a new substance that is manufactured or imported for a use that is regulated under any other Act of Parliament, including the [Food and Drugs Act](#), the [Fisheries Act](#) and the [Health of Animals Act](#).

SOR/2005-286, s. 2.

INITIAL FEES

3. Subject to section 5 and the reductions provided for in sections 6 and 7, a notifier of a new substance who for the first time provides the information required under any schedule to the [New Substances Notification Regulations \(Chemicals and Polymers\)](#) set out in column 1 of Schedule 1 to these Regulations shall pay for the assessment of that substance the amount set out in column 2 under the heading corresponding to the notifier’s annual sales in Canada.

SOR/2005-286, s. 6.

SUBSEQUENT FEES

4. Subject to section 5 and the reductions provided for in sections 6 and 7, a notifier of a new substance who has provided with respect to that substance the information required under any schedule to the [New Substances Notification Regulations \(Chemicals and Polymers\)](#), and who subsequently provides, with respect to the same substance, information required by another schedule to those Regulations set out in column 1 of Schedule 1 to these Regulations, shall pay for the assessment of that substance in respect of that other schedule the amount set out in column 2 under the heading corresponding to the notifier’s annual sales in Canada, reduced by any amount previously paid for the assessment of that substance in respect of any other schedule to the [New Substances Notification Regulations \(Chemicals and Polymers\)](#), but the reduction may not result in a negative amount.

SOR/2005-286, s. 6.

FINAL FEES

5. Subject to the reductions provided for in sections 6 and 7, a notifier of a new substance who provides the information required under Schedule 5 or 9 to the [New Substances Notification Regulations \(Chemicals and Polymers\)](#), and who is not required under those Regulations to

provide subsequent information with respect to the same substance, shall pay for the assessment of that substance the amount set out in column 2 of Schedule 2 to these Regulations under the heading corresponding to the notifier's annual sales in Canada, reduced by any amount previously paid for the assessment of that substance in respect of any other schedule to the [New Substances Notification Regulations \(Chemicals and Polymers\)](#), if applicable, but the reduction may not result in a negative amount.

SOR/2005-286, s. 3.

REDUCTIONS — MATCHED NOTIFICATIONS AND CONSOLIDATED NOTIFICATIONS

6. A notifier of a new substance who requests of the Department of the Environment the use of information that was previously provided by another notifier with respect to the same substance, which notification is known as a matched notification, is not required to pay an amount under section 3, 4 or 5, but shall pay an amount of \$200 for the assessment of that substance.

7. A notifier of a maximum of six new substances of the same class, where the information provided under the schedules to the [New Substances Notification Regulations \(Chemicals and Polymers\)](#) for each substance is identical, which notification is known as a consolidated notification, shall pay the amount required under section 3, 4 or 5 for the assessment of one of those substances and an amount of \$250 for the assessment of each other of those substances.

SOR/2005-286, s. 6.

MAXIMUM FEES

8. Despite sections 3 to 5, the maximum fees payable for the assessment of a new substance on the basis of the information required under the schedules to the [New Substances Notification Regulations \(Chemicals and Polymers\)](#) is \$2,625, where the notifier's annual sales in Canada are less than \$40 million, and \$3,500, in any other case.

SOR/2005-286, s. 6.

FEES FOR OTHER SERVICES

9. The fee payable for a service set out in column 1 of Schedule 3 to these Regulations is the fee set out in column 2 under the heading corresponding to the annual sales in Canada of the person for whom the service is provided.

ANNUAL SALES

10. (1) A person who requests that fees payable under these Regulations be based on the person's annual sales in Canada shall provide to the Minister the person's sales reports for Canada according to the person's financial statements for the previous fiscal period prepared in accordance with generally accepted accounting principles and certified as true and correct by that person or, in the case of a corporation, by the manager responsible for the corporation's financial affairs.

(2) Despite any other provision of these Regulations, if the information relating to annual sales in Canada is not provided, fees payable shall be based on annual sales above \$40 million.

PAYMENT

11. The fees payable under sections 3 to 9 shall be paid at the time the service is requested by

(a) certified cheque or money order to the Receiver General; or

(b) credit card in respect of which the notifier is either the cardholder or an authorized user, if the issuer of the credit card has entered into an agreement with the Government of Canada establishing the conditions of its acceptance and use.

SOR/2005-286, s. 4.

COMING INTO FORCE

12. These Regulations come into force on January 1, 2003.

SCHEDULE 1

(Sections 3 and 4)

ASSESSMENT FEES

Item	Column 1 NSN Schedule*	Column 2			
		Fee (\$)			
		Annual Sales (\$ Million)			
		≤ 13	> 13 ≤ 26	> 26 ≤ 40	> 40
1.	Schedule 1	500	1,000	1,500	2,000
2.	Schedule 3	500	1,000	1,500	2,000
3.	Schedule 4	50	100	150	200
4.	Schedule 5	500	1,000	1,500	2,000
5.	Schedule 6	875	1,750	2,625	3,500
6.	Schedule 9	125	250	375	500
7.	Schedule 10	875	1,750	2,625	3,500
8.	Schedule 11	875	1,750	2,625	3,500

*Schedule to the [New Substances Notification Regulations \(Chemicals and Polymers\)](#).
SOR/2005-286, s. 5.

SCHEDULE 2
(Section 5)

ASSESSMENT FEES

Item	Column 1 NSN Schedule*	Column 2			
		Fee (\$)			
		Annual Sales (\$ Million)			
		≤ 13	> 13 ≤ 26	> 26 ≤ 40	> 40
1.	Schedule 5	750	1,500	2,250	3,000
2.	Schedule 9	375	750	1,125	1,500

*Schedule to the [New Substances Notification Regulations \(Chemicals and Polymers\)](#).
SOR/2005-286, s. 5.

SCHEDULE 3
(Section 9)

FEES FOR OTHER SERVICES

Item	Column 1	Column 2			
		Fee (\$)			
		Annual Sales (\$ Million)			
Service	≤ 13	> 13 ≤ 26	> 26 ≤ 40	> 40	
1.	Confidential search*	62.50	125	187.50	250
2.	Masked name application**	150	300	450	600
3.	Application under Four Corners Agreement***	500	1,000	1,500	2,000

*—Search of substances appearing on the DSL or NDSL that have been published under masked names.

**—Application for a masked name, as defined in the [Masked Name Regulations](#), for a new substance.

***—Application for a service under the *Agreement for Sharing of Information Between the U.S. Environmental Protection Agency (USEPA), and Environment Canada (EC) and Health Canada (HC)* (the “Four Corners Agreement”).

SOR/2005-286, s. 7(F).

Date modified: 2013-09-13