



## New Substances Program Advisory Note 2008-04

### Application of the *Canadian Environmental Protection Act, 1999*, to volume splitting of the maximum import or manufacture quantity between regulated parties

This advisory note is to inform manufacturers and importers of new substances in Canada of the violation of the *Canadian Environmental Protection Act, 1999*, in the event of volume splitting of the maximum manufacture or import quantity prescribed in the *New Substances Notification Regulations (Chemicals and Polymers)* between regulated parties.

#### **Background**

Under the *Canadian Environmental Protection Act, 1999* [the Act], any person [regulatee] who manufactures or imports into Canada a substance not listed on the Domestic Substances List in quantities prescribed by the *New Substances Notification Regulations (Chemicals and Polymers)* [the Regulations] must provide to the Minister of the Environment the information prescribed by the Schedule set out in the Regulations. When the information is provided by a regulatee, the quantity of the substance that he/she may manufacture or import is limited to the amount specified in the Regulations until the most comprehensive notification schedule is provided and until the assessment period of that notification has expired. As a result, a regulatee who has reached the maximum manufacture or import quantity cannot continue to import or manufacture the substance until the assessment period associated with the appropriate notification schedule has expired.

The Act allows any regulatee who has reached the maximum manufacture or import quantity to obtain additional quantities of the new substance from another regulatee who has already manufactured in or imported the substance into Canada for his own use and has not reached its maximum quantity.

However, a regulatee may not obtain additional quantities of the new substance from another regulatee by contracting the person to manufacture or import the new substance on his behalf. The regulatee may not obtain additional quantities of the new substance by creating one or more companies with the main objective to manufacture or import the new substance on his behalf.

#### **Consequence of failure to comply with the Act**

Failure to comply with the Act or Regulations constitutes a punishable offence under s. 272 of the Act.

For more information on the *Compliance and Enforcement Policy for the Canadian Environmental Protection Act, 1999* (CEPA 1999) - March 2001, visit the following link:

<http://www.ec.gc.ca/ceparegistry/documents/policies/candepolicy/toc.cfm>

## **Information**

New Substances Notification Information line  
Telephone: 1-800-567-1999 (toll-free in Canada)  
1-819-953-7156 (outside Canada)  
Fax: 1-819-953-7155  
E-mail: [nsn-infoline@ec.gc.ca](mailto:nsn-infoline@ec.gc.ca)

For additional information or documents regarding the Regulations  
visit the New Substances Web site at  
[http://www.ec.gc.ca/substances/nsb/eng/home\\_e.shtml](http://www.ec.gc.ca/substances/nsb/eng/home_e.shtml)

### ***Original signed by***

Bernard Madé  
Director  
New Substances Division  
Environment Canada

Signed on December 23, 2008