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Order Adding Toxic Substances to Schedule 1 to the Canadian Environmental Protection Act, 1999

Statutory authority

Canadian Environmental Protection Act, 1999

Sponsoring departments

Department of the Environment and Department of Health

REGULATORY IMPACT ANALYSIS STATEMENT

(*This statement is not part of the Order*.)

Issue and objectives

Canadians depend on chemical substances that are used in hundreds of goods, from medicines to computers, fabrics, and fuels. Unfortunately, some chemical substances can negatively affect our health and the environment when released in a certain quantity or concentration in the environment. Scientific assessments of the impact of human and environmental exposure have determined that a number of these substances constitute or may constitute a danger to human health or to the environment as per the criteria set out under section 64 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999).

The objective of the proposed *Order Adding Toxic Substances to Schedule 1 to the Canadian Environmental Protection Act, 1999* (hereinafter referred to as the proposed Order), made under subsection 90(1) of CEPA 1999, is to add the following substances to the List of Toxic Substances in Schedule 1 of CEPA 1999:

- Hexanedioic acid, bis(2-ethylhexyl) ester (Chemical Abstracts Service [CAS] Registry No. 103-23-1), hereafter referred to as "DEHA";
- Reaction products of 2-propanone with diphenylamine, containing diisopropyldimethylacridan (CAS No. 68412-48-6), hereafter referred to as "PREPOD";
- *N,N*-mixed phenyl and tolyl derivatives of 1,4-benzenediamine (CAS No. 68953-84-4), hereafter referred to as "BENPAT"; and
- 2-Naphthalenol, 1-[[4-(phenylazo)phenyl]azo]- (CAS No. 85-86-9), hereafter referred to as "Solvent Red 23".

This addition enables the development of regulatory risk management proposals for these substances under CEPA 1999. The Ministers may, however, choose to develop non-regulatory instruments to manage human health and environmental risks posed by these substances.

Description and rationale

Background

Approximately 23 000 substances (often referred to as "existing" substances) were in use in Canada between January 1, 1984, and December 31, 1986. These substances are found on the *Domestic Substances List* (DSL), but many of them have never been assessed as to whether they meet any of the criteria set out in section 64 of CEPA 1999. Section 73 of the Act requires that substances on the DSL be

categorized to determine which of them pose the greatest potential for exposure to the general population. Categorization also determines which of these substances are persistent or bioaccumulative in accordance with the regulations and inherently toxic to human beings or to non-human organisms. Pursuant to section 74 of the Act, substances that were flagged during the categorization process must undergo an assessment to determine whether they meet any of the criteria set out in section 64 of the Act. Assessments may also be conducted under section 68 of the Act for substances identified as high priorities for action, but which do not meet the categorization criteria set out under section 73 of the Act.

The Minister of the Environment and the Minister of Health (the Ministers) completed the categorization exercise in September 2006. Of the approximately 23 000 substances on the DSL, about 4 300 were identified as needing further attention.

As a result of categorization, the Chemicals Management Plan (the Plan) was launched on December 8, 2006, with the objective of enhancing the protection against hazardous chemicals.

A key element of the Plan is the collection of information on the properties and uses of approximately 200 substances identified as high priorities for action. This includes substances

- that were found to meet the categorization criteria for persistence, bioaccumulation potential and inherent toxicity to non-human organisms, and that are known to be in commerce, or of commercial interest, in Canada; these substances are considered to be high priorities for assessment of ecological risk; and/or
- that were found either to meet the categorization criteria for greatest potential for exposure of Canadians or to present an intermediate potential for exposure, and were identified as posing a high hazard to human health based on available evidence on carcinogenicity, mutagenicity, developmental toxicity or reproductive toxicity; these substances are considered to be high priorities for assessment of risk to human health.

This information is being used to make decisions regarding the best approaches to be taken in order to protect Canadians and their environment from the risks these substances might pose. This information-gathering initiative is known as the "Challenge."

To facilitate the process, Environment Canada and Health Canada have organized the approximately 200 substances into 12 "batches" of approximately 15 substances. A batch is released every three months, and stakeholders are required to report information such as quantities imported, manufactured or used in Canada via a mandatory survey issued under section 71 of CEPA 1999. Affected parties are required to submit this information to better inform decision making, including determining whether a substance meets one or more of the criteria set out in section 64 of CEPA 1999 — that is to say, whether the substance is entering or may enter the environment in a quantity or concentration or under conditions that

- has or may have an immediate or long-term harmful effect on the environment or its biological diversity;
- constitutes or may constitute a danger to the environment on which life depends; or
- constitutes or may constitute a danger in Canada to human life or health.

Based on the information received and other available information, screening assessments are conducted in order to assess whether substances meet one or more of the criteria of section 64. The screening assessments are peer-reviewed and additional advice is also sought, as appropriate, through the Challenge Advisory Panel. The Panel, made up of experts from various fields such as chemical policy, chemical production, economics and environmental health, was formed to provide advice to the Government on the application of precaution and weight of evidence to screening assessment in the Challenge. The screening assessments are then published on the Chemical Substances Web site at www.chemicalsubstanceschimiques.gc.ca, along with notices published in the *Canada Gazette*, Part Ⅰ, that signal the Ministers' intent with regard to further risk management.

The Minister of the Environment is required under section 91 of CEPA 1999 to publish in the *Canada Gazette* proposed regulations or another instrument establishing preventive or control actions within two years of publishing a statement under paragraph 77(6)(*b*) of CEPA 1999 indicating that the measure the

Ministers propose to take, as confirmed or amended, is a recommendation that the substance be added to the List of Toxic Substances in Schedule 1 of CEPA 1999. Section 92 then requires that the regulation or other instrument be finalized and published in the *Canada Gazette* within a further 18 months.

The addition of these substances to Schedule 1 of CEPA 1999 allows the Ministers to develop risk management instruments in order to meet the obligations under the Act (proposed regulations or another instrument within two years and a final instrument 18 months later). The Act enables the development of risk management instruments (such as regulations, guidelines or codes of practice) to protect human health and the environment. These instruments can be developed for any aspect of the substance's life cycle from the research and development stage through manufacture, use, storage, transport and ultimate disposal or recycling. A proposed risk management approach, which provides an indication of where the Government will focus its risk management activities, has been prepared and is available on the Chemical Substances Web site at www.chemicalsubstanceschimiques.gc.ca/challenge-defi/batch-lot-11/index-eng.php.

The draft screening assessments for 16 substances from Batch 11 of the Challenge and 4 substances from Batch 6 (see footnote 1) of the Challenge were published on the Chemical Substances Web site, and the statement recommending addition to Schedule 1 was published in the *Canada Gazette*, Part Ⅰ, on October 2, 2010, for a 60-day public comment period.

Of the 16 substances assessed in Batch 11 and the 4 substances in Batch 6, 2 substances have been concluded to be harmful to the environment, 1 substance has been concluded to be harmful to human life or health, and 1 substance has been concluded to be harmful both to the environment and to human life or health.

The summaries of the assessments and conclusions and an overview of the public comments received during the public comment period on the draft assessment regarding the four substances are presented below.

Substance descriptions, assessment summaries and conclusions

1. Substances of ecological concern

PREPOD

The substance PREPOD is an organic UVCB (Unknown or Variable Composition, Complex Reaction Products or Biological Materials) that is used mainly as an antioxidant in rubber products. It is not naturally produced in the environment. Between 100 000 and 1 000 000 kg of PREPOD were manufactured in Canada in 2006. In addition, between 100 and 1 000 kg of PREPOD were imported into Canada in 2006 as a component of vehicle parts. The quantity of PREPOD manufactured and used in Canada indicates that high quantities of PREPOD could be released into the Canadian environment.

Based on its predicted physical and chemical properties, PREPOD is not expected to degrade quickly in the environment, except in air. It is, therefore, persistent in water, soil and sediments. PREPOD is also expected to have the potential to accumulate in organisms and may biomagnify in food chains. In addition, modelled acute and chronic aquatic toxicity data indicate that this substance is potentially highly hazardous to aquatic organisms.

BENPAT

The substance BENPAT is classified as a UVCB and is not naturally produced in the environment. This substance consists of a mixture of mainly three different components. It is mainly used in rubber product manufacturing to prevent degradation of rubber products. While it was not reported to be manufactured in Canada, between 1 000 000 and 10 000 000 kg of BENPAT were imported into Canada in 2006. The quantities of BENPAT imported into Canada, along with the potentially dispersive uses of this substance, indicate that it could be released into the Canadian environment.

Based on experimental degradation data as well as its physical and chemical properties, BENPAT is not expected to degrade quickly in the environment. It is persistent in water, soil and sediments. In addition, experimental toxicity values indicate that BENPAT is highly hazardous to aquatic organisms.

Assessment conclusions

Based on the information available, it is concluded that PREPOD and BENPAT are entering or may enter the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment or its biological diversity as set out in paragraph 64(*a*) of CEPA 1999. PREPOD and BENPAT are thus proposed for addition to Schedule 1 of CEPA 1999.

In addition, the presence of PREPOD in the environment results primarily from human activity and the available data regarding persistence and bioaccumulation indicate that this substance meets the criteria set out in the *Persistence and Bioaccumulation Regulations*, made under CEPA 1999. This substance thus meets the criteria for implementation of virtual elimination of releases to the environment as defined under subsection 77(4).

2. Substances of human health concern

Solvent Red 23

Solvent Red 23 is not naturally produced in the environment. It is an organic substance that is used in oils, fats and waxes, in alcohol-based, ester and hydrocarbon solvents, in polystyrene, and in some cosmetic and personal care products. It is also used as a pesticide colourant (for commercial pesticides only). Solvent Red 23 was not reported to be manufactured in Canada. Also, it was not reported to be imported or sold in Canada in 2006. However, between 100 and 1 000 kg were imported in 2005.

No industrial releases are expected since it was not reported to be used in product manufacturing. Based on the reported use patterns in personal care products, it is anticipated that products containing Solvent Red 23 could be released to sewer, surface water or land during their use. After release to water, Solvent Red 23 will likely be found in sediments and possibly, to a much lesser extent, in agricultural soil that has been amended with sewage sludge. However, Solvent Red 23 has not been found significantly in other media and is not expected to be subject to long-range atmospheric transport.

Exposure of the general population to Solvent Red 23 from environmental media is expected to be negligible. However, exposure can occur through the use of cosmetic and personal care products containing this substance.

Solvent Red 23 is a member of a class of substances characterized by the presence of one or more azo groups, which can be subject to azo reductive cleavage resulting in the release of aromatic amines. Azo cleavage of Solvent Red 23 may result in the release of 4-aminoazobenzene, a substance that has been classified as a carcinogen by the International Agency for Research on Cancer and the European Commission. Solvent Red 23 is also structurally similar to another azo dye, Sudan I, which has been classified as a mutagen and carcinogen by the European Commission. Based on evidence of genotoxicity and carcinogenicity for its analogue and aromatic amines (4-aminoazobenzene) expected to be released by azo cleavage, genotoxicity and carcinogenicity are considered critical effects for risk characterization for Solvent Red 23.

Assessment conclusions

Based on consideration of exposure potential to the general population from use of cosmetic and personal care products containing Solvent Red 23, and the collective evidence of potential genotoxicity and carcinogenicity for which there may be a probability of harm at any level of exposure, Solvent Red 23 is concluded to be entering the environment in a quantity or concentration or under conditions that constitute or may constitute a danger in Canada to human life or health as set out in paragraph 64(*c*) of CEPA 1999. The substance is thus proposed to be recommended for addition to Schedule 1 of CEPA 1999.

3. Substances of ecological and human health concern

DEHA

The substance DEHA is not produced naturally in the environment and is mainly used as a plasticizer according to information submitted under section 71 of CEPA 1999. It is used in a wide variety of plastic applications, particularly where flexibility is required at low temperatures, such as cling wraps for food

packaging. Also, it is used in rubber, urethane, plastics, adhesives, sealants, hydraulic fluids, lubricants, auto protectants and hand cleansers, as well as in some cosmetics and personal care products.

In 2006, between 1 000 000 and 10 000 000 kg of DEHA were manufactured in Canada, and approximately 250 000 kg were imported into Canada, according to information submitted under section 71 of CEPA 1999. It may be released to the environment during its manufacture, distribution, and industry use and from consumer use and disposal of finished products.

The critical effect for characterization of risk to human health for DEHA is developmental toxicity (increased postnatal deaths observed in rats). Based on a comparison of estimated exposures to DEHA in Canada to the critical effect levels, and taking into account the uncertainties in the databases on exposure and effects, it is considered that the margins between estimated exposures to DEHA (resulting from daily use of certain cosmetics and personal care products) and critical effect levels are potentially inadequate.

Both empirical and modelled data demonstrate that DEHA biodegrades rapidly in water, and it is also not expected to persist in air, sediment, or soil. A comparison between the predicted environmental concentrations (as well as actual concentrations measured in Canadian river water and effluents) and the predicted no-effect concentration suggests that DEHA has the potential to cause harm to aquatic organisms.

Assessment conclusions

On the basis of ecological hazard and estimated releases of DEHA, it is concluded that this substance is entering or may be entering the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment or its biological diversity as set out in section 64(*a*) of CEPA 1999. The substance DEHA does not meet the criteria for persistence or bioaccumulation as set out in the *Persistence and Bioaccumulation Regulations*.

On the basis of the potential inadequacy of the margins between estimated exposures to DEHA and critical effect levels, it is proposed that DEHA is entering or may be entering the environment in a quantity or concentration or under conditions that constitute or may constitute a danger in Canada to human life or health as set out in paragraph 64(*c*) of CEPA 1999. The substance, DEHA, is thus proposed to be recommended for addition to Schedule 1 to CEPA 1999.

The final screening assessment, the proposed risk management approaches and the complete responses to comments received on these substances were published on September 10, 2011, and may be obtained from the Chemical Substances Web site at www.chemicalsubstanceschimiques.gc.ca/challenge-defi/batch-lot11/index-eng.php, or from the Program Development and Engagement Division, Environment Canada, Gatineau, Quebec K1A 0H3, 819-953-7155 (fax), or by email at substances@ec.gc.ca.

Alternatives

The following measures can be taken after an assessment is conducted under CEPA 1999:

- adding the substance to the Priority Substances List for further assessment (when additional information is required to determine if a substance meets the criteria in section 64 or not);
- taking no further action in respect of the substance; or
- recommending that the substance be added to the List of Toxic Substances in Schedule 1, and where applicable, recommending the implementation of virtual elimination.

It has been concluded in the final screening assessments that PREPOD and BENPAT are entering, or may enter, the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment or its biological diversity as set out in paragraph 64(*a*) of CEPA 1999.

It has been concluded in the final screening assessment that DEHA is entering, or may enter, the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment or its biological diversity as set out in paragraph 64(*a*) of CEPA 1999. Also, it was concluded that DEHA is entering, or may enter, the environment in a quantity or concentration or under conditions that constitute or may constitute a danger in Canada to human life or

health as set out in paragraph 64(*c*) of CEPA 1999.

It has been concluded in the final screening assessment that Solvent Red 23 is entering, or may enter, the environment in a quantity or concentration or under conditions that constitute or may constitute a danger in Canada to human life or health as set out in paragraph 64(*c*) of CEPA 1999.

These substances pose a risk to human health or the environment, and they meet one or more of the criteria set out under section 64 of CEPA 1999. Adding these substances to Schedule 1, which will enable the development of regulations or other risk management instruments, is therefore the best option.

In addition, the presence of PREPOD in the environment results primarily from human activity and the available data regarding persistence and bioaccumulation indicate that this substance meets the criteria set out in the *Persistence and Bioaccumulation Regulations*, made under CEPA 1999. This substance thus meets the criteria for implementation of virtual elimination of releases to the environment as defined under subsection 77(4).

Benefits and costs

Listing these substances on Schedule 1 enables the Ministers to develop risk management proposals for these substances under CEPA 1999, proposals which may be regulatory and/or non-regulatory (such as pollution prevention plans, environmental emergency plans, guidelines, codes of practice or regulations), to help protect human health and the environment. The Ministers will assess costs and benefits and consult with the public and other stakeholders during the development of these risk management proposals.

Consultation

On October 2, 2010, the Ministers published a summary of the scientific assessment for the 16 substances of Batch 11 and 4 substances in Batch 6 in the *Canada Gazette*, Part Ⅰ, for a 60-day public comment period. Risk management scope documents were also released on the same date, outlining the preliminary options being examined for the management of the 4 substances proposed to be toxic under section 64 of CEPA 1999. Prior to this publication, Environment Canada and Health Canada have informed the governments of the provinces and territories through the CEPA National Advisory Committee (NAC) of the release of the screening assessment on these substances, the risk management scope documents, and the public comment period mentioned above. No comments were received from CEPA NAC.

During the 60-day public comment period, a total of 10 submissions (see footnote 2) were received from 5 industry stakeholders, 3 non-governmental organizations (NGOs), 1 researcher and 2 industry associations on the scientific assessments for 3 of the 4 substances that were concluded to meet the criteria under section 64 of CEPA 1999. No comments were received on the draft screening assessment for Solvent Red 23. All comments were considered in developing the final screening assessment.

All comments received on the risk management scope regarding these substances were considered when developing the proposed risk management approaches, which are also subject to a 60-day public comment period.

Below is a summary of some key comments regarding the scientific assessments of the substances from Batch 11 and the remaining substances from Batch 6, and overarching comments relevant to the overall process, as well as responses to these comments. In cases where comments have been made concerning whether or not a substance meets the criteria of section 64 of CEPA 1999 due to the lack of information or to uncertainty, the Government has indicated that it will proceed to take precautionary action to protect the health of Canadians and their environment. The complete responses to comments are available via the Government of Canada's Chemical Substances Web site, address, fax number or email listed above.

Summary of general comments and responses

- A non-governmental organization commented that the quantities of substances in commerce are reported without any explanation for changes over time or differences in use patterns. For persistent and bioaccumulative substances, past uses represent a problem of historic, long-term contamination.

Response: Where information is available to explain why the quantity of a substance in commerce, or its use patterns, have changed over time, it is included in the screening assessment. However, for many substances this type of information is not available. The discussion of use patterns and quantities in commerce is often dependent on the information provided by stakeholders, which is typically for individual reporting years and does not include data showing time trends or data on marketplace changes that may have led to differences in use patterns. Stakeholders are encouraged to provide voluntarily information that is helpful to the preparation of the screening assessments, including use patterns and quantities in commerce for previous years.

- A non-governmental organization commented that in the mass balance estimates for releases, no quantities are provided, only percentages, which do not give a true account of the actual releases to the environment. This information is important (particularly for persistent substances) and unfortunately, not available, even if it were known (due to confidentiality).

  Response: Typically, a mass balance estimate is produced in order to determine at which step of the life cycle and to which media potential releases may occur. This information is presented in the release section of the assessment. Releases are most suitably expressed as a percentage as they are a function of the handling of the substance, more so than of its actual quantity. Also, in some cases, actual quantities cannot be provided due to confidential business information. When developing actual exposure scenarios to estimate environmental concentrations, the release percentages can then be applied to the quantity of substance in commerce in order to estimate the quantity released for a specific scenario. Every attempt is made to acquire accurate information on quantities of the substances imported or manufactured, even if these quantities are not reported in the screening assessment.

<u>Summary of comments on substances of ecological concern</u>

BENPAT

- An industry stakeholder commented that the evaluation of the biodegradation potential did not consider the weight-of-evidence approach. Therefore, the conclusions that were drawn from models of ultimate biodegradation are inappropriate.

  Response: Evidence of several degradation processes of BENPAT based on reliable studies is considered in the screening assessment. Conclusion on persistence is based on the weight-of-evidence approach, taking into account reliable studies of different degradation pathways as well as modelled results. Modelled results were found to be reliable.

- An industry stakeholder commented that the environmental exposure assessment significantly overestimated the release of BENPAT to air, water, soil and sediment from tire wear.

  Response: Estimations of environmental concentrations of antidegradants based on a tire marker study were provided in the draft screening assessment since information on the environmental levels of antidegradants including BENPAT stemming from tire wear is not available. These estimations were only semi-quantitative and were removed from the final screening assessment. Revisions considered in the final screening assessment included site specific industrial release scenarios, consumer release scenarios, risk quotient analysis and additional information (e.g. reliability of tire markers and detection of BENPAT in tire particles).

PREPOD

- A researcher commented that it is unlikely that PREPOD ends up in landfills because this substance is used in rubber and in the automobile industry. Automobiles are sent to metallurgical furnaces for recycling of steel, and rubber is generally sent to cement kilns or sent to places specially designed for recycling.

  Response: As noted by the researcher, a significant fraction of rubber products used in tires and other automobile parts is typically recycled or incinerated, rather than sent to landfills. The

screening assessment has been revised accordingly to reflect the expected releases to the environment.

Summary of comments on a substance of ecological and human health concern

DEHA

- An industry organization commented that DEHA is not listed in the Canadian Cosmetic, Toiletry and Fragrance Association (CCTFA) cosmetic ingredient list. It also mentioned that there is quite a disparity in the concentrations reported by the Cosmetic Ingredient Review (CIR) [2006] and the Cosmetic Notification System (CNS) database, suggesting that exposure was overestimated in 17 of the 19 personal care products and underestimated in deodorant and sunscreen. Also, the highest percentages of use in the CNS database are inaccurate and do not reflect actual use.

  Response: Notification of any cosmetic products imported or manufactured for sale in Canada is a requirement from the *Food and Drugs Act*, and Health Canada's CNS database is a relevant source of Canadian-specific information on ingredients in cosmetics and personal care products available in Canada. The CCTFA database does not provide information on the concentrations of ingredients found in cosmetics and does not include information on ingredients such as DEHA that are not "commonly" found in products. The CIR provides information on U.S. products reported to the U.S. Food and Drug Administration and is not considered as representative of the Canadian market as the CNS. DEHA concentrations in Canadian products are reported as ranges in the CNS, and refinement of the upper range of these concentrations was incorporated whenever possible. However, estimates of exposure from the use of cosmetics and personal care products are based on conservative assumptions, in order to take into account uncertainties associated with exposure database limitations.

- One non-governmental organization commented that exposure of the general public to DEHA is most likely underestimated due to the limitation of data availability.

  Response: This assessment derived upper-bounding estimates of exposure to characterize the risk posed by DEHA to the general population. In the case of exposure from food, empirical data on concentrations of DEHA in food relevant to the Canadian context were used when available, but lack of data identifying levels of DEHA in prepared food stored in contact with plastic film is recognized as an uncertainty. However, the margins of exposure, which are based on upper-bounding estimates of exposure from food, are considered adequate to account for the uncertainties in information on health effects and exposure.

- An industry stakeholder commented that the results of aquatic toxicity tests that were conducted above a substance's water solubility limit is contradictory practice to the procedures outlined by the Canadian Council of Ministers of the Environment (CCME) in their Protocol for the Derivation of Water Quality Guidelines for the Protection of Aquatic Life.

  Response: Two studies used the slow-stir method to estimate the water solubility of DEHA (0.0032–0.0055 mg/L). Toxicity values within an approximate 10-fold range of the estimated water solubility are deemed acceptable for risk assessment, recognizing variability and uncertainties in test procedures. The chosen critical toxicity value (0.035 mg/L) lies within the range considered acceptable for ecological risk assessment, and the observed effects may be attributed to uptake of the chemical. In addition, laboratory tests are conducted under relatively pristine conditions and do not take into account the various co-solvents that exist in the environment that may ultimately affect the solubility and bioavailability of a substance. This aspect is considered in ecological risk assessments.

Implementation, enforcement and service standards

The proposed Order would add the four substances to Schedule 1 of CEPA 1999, thereby allowing the Ministers to meet their obligation to publish proposed regulations or other management instruments no later than September 10, 2013, and finalize them no later than March 10, 2015. Developing an implementation plan and a compliance strategy or establishing service standards are not considered

necessary without any specific risk management proposals. An appropriate assessment of implementation, compliance and enforcement will be undertaken during the development of a proposed regulation or control instrument(s) respecting preventive or control actions for these substances.

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PROPOSED REGULATORY TEXT

Notice is hereby given, pursuant to subsection 332(1) (see footnote a) of the *Canadian Environmental Protection Act, 1999* (see footnote b), that the Governor in Council, on the recommendation of the Minister of the Environment and the Minister of Health, pursuant to subsection 90(1) of that Act, proposes to make the annexed *Order Adding Toxic Substances to Schedule 1 to the Canadian Environmental Protection Act, 1999*.

Any person may, within 60 days after the date of publication of this notice, file with the Minister of the Environment comments with respect to the proposed Order or a notice of objection requesting that a board of review be established under section 333 of that Act and stating the reasons for the objection. All comments and notices must cite the *Canada Gazette*, Part Ⅰ, and the date of publication of this notice, and be sent by mail to the Executive Director, Program Development and Engagement Division, Department of the Environment, Gatineau, Quebec K1A 0H3, by fax to 819-953-7155 or by email to substances@ec.gc.ca.

A person who provides information to the Minister of the Environment may submit with the information a request for confidentiality under section 313 of that Act.

Ottawa, October 6, 2011

JURICA ČAPKUN
Assistant Clerk of the Privy Council

ORDER ADDING TOXIC SUBSTANCES TO SCHEDULE 1 TO THE CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

AMENDMENT

1. Schedule 1 to the *Canadian Environmental Protection Act, 1999* (see footnote 3) **is amended by adding the following:**

Hexanedioic acid, bis(2-ethylhexyl) ester, which has the molecular formula $C_{22}H_{42}O_4$

Reaction products of 2-propanone with diphenylamine, containing diisopropyldimethylacridan that has the molecular formula $C_{21}H_{27}N$

N,*N*′-mixed phenyl and tolyl derivatives of 1,4-benzenediamine

2-Naphthalenol, 1-[[4-(phenylazo)phenyl]azo]-, which has the molecular formula $C_{22}H_{16}N_4O$

COMING INTO FORCE

2. This Order comes into force on the day on which it is registered.

[42-1-o]

Footnote 1
Publication of the draft screening assessments for the four substances from Batch 6 (Solvent Red 23, Acid Red 111, Disperse Orange 29 and BPAOBP) was delayed as further assessment of the potential risks to human health was necessary.

Footnote 2
One submission was signed by two non-governmental organizations.

Footnote 3
S.C. 1999, c. 33

Footnote a
S.C. 2004, c. 15, s. 31

Footnote b
S.C. 1999, c. 33

NOTICE:
The format of the electronic version of this issue of the *Canada Gazette* was modified in order to be compatible with extensible hypertext markup language (XHTML 1.0 Strict).

Date Modified: 2011-10-14