

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Significant New Activity Notice No. 15973

Significant New Activity Notice

(Section 85 of the *Canadian Environmental Protection Act, 1999*)

Whereas the Minister of the Environment and the Minister of Health have assessed information in respect of the substance Alkyl acrylic acid, (alkoxysilyl)alkyl ester, reaction products with silica, under section 83 of the *Canadian Environmental Protection Act, 1999*;

Whereas the substance is not specified on the *Domestic Substances List*;

And whereas the Ministers suspect that a significant new activity in relation to the substance may result in the substance becoming toxic within the meaning of section 64 of the *Canadian Environmental Protection Act, 1999*,

Therefore, the Minister of the Environment indicates, pursuant to section 85 of the *Canadian Environmental Protection Act, 1999*, that subsection 81(4) of that Act applies to the substance in accordance with the Annex.

JIM PRENTICE

Minister of the Environment

ANNEX

Information Requirements

(Section 85 of the *Canadian Environmental Protection Act, 1999*)

1. The following definition applies in this Significant New Activity Notice:

"substance" means Alkyl acrylic acid, (alkoxysilyl)alkyl ester, reaction products with silica, when it is engineered to contain particles of particle size ranging from 1 to 100 nanometres.

2. For the purpose of this Notice, a significant new activity is

(a) the use of the substance in a quantity greater than 10 kg per calendar year in products that are intended for use by or for children;

(b) the use of the substance in a quantity greater than 10 kg per calendar year other than for use as a component in ultraviolet or electron beam curable coatings when they are applied to products in an industrial setting; or

(c) the use of the substance in a quantity greater than either 10 000 kg per calendar year or an accumulated total of 50 000 kg as a component in ultraviolet or electron beam curable coatings when they are applied to products in an industrial setting.

3. Despite paragraph 2(b), the activity where the substance is used as a research and development substance, as that expression is defined in subsection 1(1) of

the *New Substances Notification Regulations (Chemicals and Polymers)*, is not a new activity.

4. For the purposes of paragraph 2(c), an accumulated total does not include quantities that were manufactured in or imported into Canada before the date of publication of this Notice.

5. A person who proposes a significant new activity set out in this Notice for this substance shall provide the following information to the Minister of the Environment, at least 90 days before the day on which the quantity of the substance involved in the activity exceeds the applicable quantity mentioned in paragraphs 2(a), (b), or (c):

(a) a description of the proposed significant new activity in relation to the substance;

(b) the analytical information to determine the average particle size and particle size distribution of the substance;

(c) the information describing the agglomeration/aggregation state, shape, surface area and surface charge of the substance;

(d) the analytical information to determine the leachability potential of the substance and its precursors from the final product; and

(e) for a new activity described in paragraphs 2(a) or (b),

(i) the information specified in Schedule 6 to the *New Substances Notification Regulations (Chemicals and Polymers)*,

(ii) the analytical information to determine the average particle size and particle size distribution of the test substance as administered in the health and ecological toxicity tests referred to in subparagraph (i), and

(iii) the information describing the agglomeration/aggregation state, shape, surface area and surface charge of the test substance as administered in the health and ecological toxicity tests referred to in subparagraph (i).

6. The above information will be assessed within 90 days after the day on which it is received by the Minister of the Environment.

EXPLANATORY NOTE

(This explanatory note is not part of the Significant New Activity Notice.)

A Significant New Activity Notice is a legal instrument issued by the Minister of the Environment pursuant to section 85 of the *Canadian Environmental Protection Act, 1999*. The Significant New Activity Notice sets out the appropriate information that must be provided to the Minister for assessment prior to the commencement of a new activity as described in the Notice.

Substances that are not listed on the *Domestic Substances List* can be manufactured or imported only by the person who has met the requirements set out in section 81 of the *Canadian Environmental Protection Act, 1999*. Under

section 86 of the *Canadian Environmental Protection Act, 1999*, in circumstances where a Significant New Activity Notice is issued for a new substance, it is the responsibility of every person who transfers the physical possession or control of the substance to notify all persons to whom the possession or control is transferred of the obligation to comply with the Significant New Activity Notice and of the obligation to notify the Minister of the Environment of any new activity and all other information as described in the Notice. It is the responsibility of the users of the substance to be aware of and comply with the Significant New Activity Notice and to submit a Significant New Activity notification to the Minister prior to the commencement of a significant new activity associated with the substance. However, as mentioned in subsection 81(6) of the *Canadian Environmental Protection Act, 1999*, a Significant New Activity notification is not required when the proposed new activity is regulated under an act or regulations listed on Schedule 2 to the *Canadian Environmental Protection Act, 1999*.

A Significant New Activity Notice does not constitute an endorsement from Environment Canada or the Government of Canada of the substance to which it relates, or an exemption from any other laws or regulations that are in force in Canada and that may apply to this substance or activities involving the substance.