

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Significant New Activity Notice No. 16711

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 metal hydroxy phosphate, 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 with respect to the substance in accordance with the Annex.

PETER KENT
Minister of the Environment

ANNEX

Information Requirements

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

1. In relation to the substance metal hydroxy phosphate, a significant new activity is
 - (a) its use in inks, paint or coatings in a quantity that exceeds 10 000 kg per calendar year;
 - (b) its manufacture in a quantity that exceeds 1 000 kg per calendar year;
or
 - (c) any use where the substance is engineered to contain particles of particle size ranging from 1 to 100 nanometres, in a quantity that exceeds 10 kg per calendar year.
2. The following information must be provided to the Minister at least 90 days before the commencement of each proposed significant new activity:
 - (a) a description of the proposed significant new activity in relation to the substance;
 - (b) for a significant new activity described in paragraphs 1(a) or (b):

- (i) the information specified in Schedule 4 to the *New Substances Notification Regulations (Chemicals and Polymers)*,
- (ii) the information specified in item 8 of Schedule 5 to those Regulations, and
- (iii) the information specified in item 11 of Schedule 6 to those Regulations;
- (c) for a significant new activity described in paragraph 1(b) in addition to the information required under paragraph (b):
 - (i) a brief description of the manufacturing process that de-tails precursors of the substance, reaction stoichiometry, nature (batch or continuous) and scale of the process,
 - (ii) a flow diagram describing the manufacturing process and its main components, such as process tanks, holding tanks and distillation towers, and
 - (iii) a brief description of the major steps in manufacturing operations, the chemical conversions, the points of entry of all feedstock, the points of release of substances, and the processes to eliminate environmental releases;
- (d) for a new activity described in paragraph 1(c):
 - (i) the information specified in Schedule 6 to the *New Substances Notification Regulations (Chemicals and Polymers)*,
 - (ii) the analytical information to determine the primary and secondary particle size of the substance,
 - (iii) the information describing the agglomeration and aggregation state, shape, surface area and surface charge of the substance,
 - (iv) the analytical information to determine the leachability potential of the substance and its precursors from any final product resulting from the significant new activity,
 - (v) the test data and a test report on the water solubility of the substance conducted in accordance with the Organisation for Economic Co-operation and Development Series on Testing and Assessment, Number 29, *Guidance Document on Transformation/Dissolution of Metals and Metal Compounds in Aqueous Media*, and that is current at the time the test data are developed,
 - (vi) the analytical information to determine the primary and secondary particle size of the test substance as administered in the health and ecological toxicity tests required under subparagraph (i), and

- (vii) the information describing the agglomeration and aggregation state, shape, surface area and surface charge of the test substance as administered in the health and ecological toxicity tests required under subparagraph (i); and
- (e) all other information or test data in respect of the substance that are in the possession of the person who intends to use the substance for the proposed significant new activity, or to which they have access, and that are relevant to determining whether the substance is toxic or capable of becoming toxic.

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

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.