

DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Significant New Activity Notice No. 16037

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 Short tangled multi-walled carbon nanotubes obtained by catalytical chemical vapour deposition, 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 Short tangled multi-walled carbon nanotubes obtained by catalytical chemical vapour deposition having the following characteristics:

- (a) at least 90 percent of the substance is composed of elemental carbon;
- (b) the nanotubes measure from 0.1 to 10 micrometres in length, with a 1.5 micrometre average; and
- (c) the diameter of the nanotubes measures from 5 to 15 nanometres, with a 9.5 nanometre average.

2. (1) 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
 - (i) in products that are intended for use by or for children,
 - (ii) as a component in coatings that are applied industrially to consumer products that are not intended for use by or for children, or

(iii) to industrially formulate a solid metallic consumer product that is not intended for use by or for children and, where applicable, further industrially process that product;

(b) the use of the substance in a quantity greater than 100 kg per calendar year

(i) as a component in coatings that are applied industrially to products that are not intended for use by or for consumers, or

(ii) to industrially formulate a solid metallic product that is not intended for use by or for consumers and, where applicable, further industrially process that product;

(c) any other use of the substance in a quantity greater than 10 kg per calendar year other than its use to industrially formulate a rubber, plastic or any other solid polymeric product and, where applicable, further industrially process that product; or

(d) the use of the substance in a quantity greater than either 1 000 kg per calendar year or an accumulated total of 5 000 kg to industrially formulate a rubber, plastic, or any other solid polymeric product and, where applicable, further industrially process that product.

(2) Despite subitem (1), the activity where the substance is used to create a product that is to be exported before being sold or in any way transferred to the public and where the process involved in creating that product does not result in a release of more than 1 kg per day per site to the aquatic environment after wastewater treatment, is not a new activity.

3. Despite paragraph 2(1)(c), the use of the substance as a research and development substance, as this term 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(1)(d), an accumulated total does not include quantities that were used in 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(1)(a), (b), (c) or (d):

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

(b) for a new activity described in subparagraphs 2(1)(a)(ii) or (iii) or subparagraphs 2(1)(b)(i) or (ii):

(i) the information specified in Schedule 4 to the *New Substances Notification Regulations (Chemicals and Polymers)*,

(ii) all other information or test data concerning the substance that are in the possession of the person who proposes the significant new activity, or to which

they have access, and that are relevant to determine whether the substance is toxic or capable of becoming toxic;

(c) for a new activity described in subparagraph 2(1)(a)(i) or paragraph 2(1)(c), the information specified in Schedule 6 to those Regulations;

(d) for a new activity described in paragraph 2(1)(d), the information specified in Schedule 5 to those Regulations;

(e) the analytical information to determine the length and diameter of the substance as produced and as administered in the health and ecological toxicity tests referred to in paragraphs (c) and (d);

(f) the information describing the agglomeration/aggregation state, shape, surface area and surface charge of the substance as produced and as administered in the health and ecological toxicity tests referred to in paragraphs (c) and (d); and

(g) the analytical information to determine the leachability potential of the substance from the product.

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.