

New Substances Advisory Note 2015-02

Phased-in coming into force dates for Significant New Activities applied to new substances under the *Canadian Environmental Protection Act, 1999*

This advisory note is to inform users, manufacturers and importers of new chemicals, biochemicals, polymers and biopolymers in Canada of the conditions under which phased-in coming into force dates will be applied to Significant New Activities under the *Canadian Environmental Protection Act, 1999 (the Act)*.

Background

The Significant New Activity (SNAc) provisions under the Act, trigger an obligation for anyone involved with these substances to notify prescribed information and for the government to assess the substance when a proponent proposes to use the substance in a significant new activity. The provisions are used to assess the risks presented by the substance before the new activity is undertaken. The Minister of the Environment and the Minister of Health assess the information provided by the notifier through the submission of Significant New Activity Notification (SNAN), as well as other information available to them. The assessment determines whether the substance is toxic or capable of becoming toxic per section 64 of the Act, and if so, whether new or additional risk management is required.

The SNAc provisions of the Act, published in the *Canada Gazette*, defines what is considered a significant new activity, indicates the information that must be provided to the Minister, the timelines for providing this information, and the period for the Ministers to assess the substance. Once the SNAc is published in *Canada Gazette*, no person shall undertake a new activity unless the information prescribed has been provided to the Minister and the notifier has been advised of the outcome of the assessment or the assessment period has expired.

In what situations will phase-in coming into force dates be considered?

Currently, the SNAc provisions of the Act are applied to the new substance, meaning a substance that is not specified on the Domestic Substances List, immediately upon publication of the SNAc unless otherwise specified. The New Substances (NS) program when defining what constitutes a significant new activity, uses, whenever possible, prescribed threshold quantities in the *New Substances Notification Regulations (Chemicals and Polymers)* (the Regulations).

Due to identified potential ecological and/or human health concerns with certain new substances at low volumes, the Ministers may deem it necessary to define significant new activities with threshold quantities below those prescribed for the purposes of notification reporting under the Regulations. In order to ensure that potential notifiers are aware of this change in the regulatory requirement and to allow a transition time to obtain or to produce the information required, the instrument that introduces these significant new activities will incorporate a phased-in coming into force (transitional) period of 2 to 12 months. The transitional period will only apply to the information requirement(s) and/or use(s) that are below the threshold quantities set out in the Regulations, and the duration of the transitional period will be determined on a case-by-case basis depending on the information required.

Who will be consulted about the development of a SNAc?

When significant new activities are developed by the NS program, the current and previous notifiers of the substance are consulted, as well as informed when the instrument is published. The NS program endeavors to maximize the time for consultation with notifiers while still meeting the legislative timelines.

Substances added to the Domestic Substances List with phased-in coming into force dates

Phase-in coming into force dates (transitional) will be considered for any substance added to the Domestic Substances List with a SNAc, as described in the SNAc.

Contact information

If you have any questions, please contact the Substances Management Information Line:

Telephone: 1-800-567-1999 (toll-free in Canada)
1-819-938-3232 (outside Canada)
Facsimile: 1-819-938-3231
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For additional information or documentation regarding the Regulations, please visit the New Substances Web site at www.ec.gc.ca/subsnouvelles-newsubs/.

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Signed on February 23, 2015