

**Extract**

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**GOVERNMENT NOTICES**

**DEPARTMENT OF THE ENVIRONMENT**

**CANADIAN ENVIRONMENTAL PROTECTION ACT**

*Conditions for the Manufacture or Import of Substances New to Canada that are Suspected of Being Toxic*

Notice is hereby given, pursuant to subsection 29(5) of the *Canadian Environmental Protection Act*, that the Ministers of Health and of the Environment have assessed information pertaining to a substance suspected of being "toxic", as defined under section 11 of the Act.

The Minister of the Environment is hereby pleased to impose, pursuant to paragraph 29(1)(a) of the *Canadian Environmental Protection Act*, conditions on the manufacture and import of this substance.

*Neodecaneperoxoic acid, 3-hydroxy-1,1-dimethylbutylester*, CAS Registry Number 95718-78-8. The notifier may import the notified substance only in circumstances where: the notifier complies with the terms of the condition; the notifier informs all customers and processors of the notified substance, in writing, of the terms of the condition; and the notifier obtains, prior to any transfer of the notified substance, written confirmation from customers and processors, as the case may be, that they will meet these conditions.

1. The notified substance may be used only as an initiator in polymerization processes in circumstances where:
  - (a) prior to waste water treatment, the processor treats liquid wastes, resulting from rinsing containers that held the notified substance, through a high temperature waste water stripping column under temperature and residence time conditions ensuring the notified substance experiences a minimum of 6 thermal half lives; or
  - (b) all liquid wastes resulting from rinsing containers that held the notified substance are introduced into the polymerization reaction; or
  - (c) all liquid wastes resulting from rinsing containers or all residual waste not introduced into the polymerization reaction are incinerated as permitted under the laws of the jurisdiction where the disposal facility is located; or
  - (d) all liquid wastes resulting from rinsing containers or all residual waste not introduced into the polymerization reaction are solidified, prior to disposal, as permitted under the laws of the jurisdiction where the disposal facility is located.

2. Where any release of the notified substance to the environment occurs in contravention of the conditions set out in item 1, the notifier shall immediately take all measures necessary to prevent any further release, and to limit the dispersion of any release. Furthermore, the notifier shall notify the Minister of the Environment immediately by contacting an Inspector designated under the *Canadian Environmental Protection Act* (CEPA Inspector) at the closest Regional Office. Customers or processors shall take these same measures should the release of the notified substance occur at the customer's or processor's facility.
3. The notifier shall maintain, and have available for review by any Officer of the Department of the Environment, electronic or paper records, with any documentation supporting the validity of the information contained in these records, indicating:
  - (a) the use of the notified substance;
  - (b) the quantity of the notified substance being imported, sold, purchased or used;
  - (c) the name and address of each customer, buying the notified substance; and
  - (d) that the notifier has informed customers or processors of the conditions and that the receiving company will meet these conditions.
4. The notifier shall maintain electronic or paper records made in item 3 at the notifier's Canadian Headquarters for a period of at least five years after they are made.
5. Any processor of the notified substance shall maintain, and have available for review by any Officer of the Department of the Environment, electronic or paper records, with any documentation supporting the validity of the information contained in these records, indicating:
  - (a) the temperature of the waste water stripping column and residence time of the notified substance in the waste water stripping column each time it is used to process liquid wastes resulting from rinsing containers that held the notified substance; and
  - (b) all the information requirements set out in items 3(a) to (d).
6. Any processor shall maintain electronic or paper records made in item 5 at their Canadian Headquarters for a period of at least five years after they are made.
7. Should the notifier intend to manufacture the notified substance, the notifier shall inform the Minister of the Environment, in writing, at least 30 days prior to manufacturing.

J. A. Buccini  
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On behalf of the Minister of the Environment