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# Canada Gazette, Part I, Volume 146, Number 11: GOVERNMENT NOTICES

March 17, 2012

## DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to section 128 of the *Canadian Environmental Protection Act, 1999*, Disposal at Sea Emergency Permit No. 4543-2-06707 authorizing the loading for disposal and the disposal of waste or other matter at sea is approved.

1. *Permittee*: Department of Public Works and Government Services, Halifax, Nova Scotia.

2. Waste or other matter to be disposed of: Dredged material.

2.1. *Nature of waste or other matter*: Dredged material consisting of gravel, sand, silt and clay.

3. *Duration of permit*: Permit is valid from March 15, 2012, to April 30, 2012.

4. *Loading site(s)*: Cheticamp Channel, Nova Scotia, at approximately 46°38.295′ N, 61°00.624′ W (NAD83), as described in attachment B, submitted in support of the permit application.

5. *Disposal site(s)*: Cheticamp Channel, Nova Scotia, at approximately 46°38.295′ N, 61°00.624′ W (NAD83), as described in attachment B, submitted in support of the permit application.

6. *Method of loading*: Dredging will be carried out using a bargemounted excavator.

7. *Route to disposal site(s) and method of transport*: Most direct route from the loading site to the disposal site via sidecasting.

8. *Method of disposal*: Disposal will be carried out by sidecasting.

9. *Total quantity to be disposed of*: Not to exceed 2 000 m<sup>3</sup> place measure.

9.1. The Permittee shall submit the procedures to measure or estimate quantities of dredged material disposed of at each disposal site to Ms. Jayne Roma, as identified in paragraph 12.1(*a*). The Department of the Environment shall approve the procedures prior to the commencement of the first dredging operation to be conducted under this permit.

### 10. Inspection:

10.1. By accepting this permit, the Permittee and their contractors accept that they are subject to inspection pursuant to Part 10 of the *Canadian Environmental Protection Act, 1999*.

10.2. Ships operating under the authority of this permit shall be marked in accordance with the *Collision Regulations* of the *Canada Shipping Act* when located on or in the waterway.

### 11. Contractors:

11.1. The loading or disposal at sea referred to under this permit shall not be carried out by any person without written authorization from the Permittee. 11.2. The Permittee shall ensure that all persons involved in the loading, transport or disposal activities authorized by this permit conduct these activities in accordance with the relevant permit conditions.

## 12. Reporting and notification:

12.1. The Permittee shall provide the following information at least 48 hours before loading and disposal activities commence: name or number of ship, platform or structure used to carry out the loading and/or disposal, name of the contractor including corporate and on-site contact information, and expected period of loading and disposal activities. The above-noted information shall be submitted to

(*a*) Ms. Jayne Roma, Environmental Protection Operations
Directorate, Environment Canada, Atlantic Region, Queen Square,
16th Floor, 45 Alderney Drive, Dartmouth, Nova Scotia B2Y 2N6,
902-490-0716 (fax), jayne.roma@ec.gc.ca (email);

(b) Mr. Mark Dalton, Environmental Enforcement Directorate,
Environment Canada, Atlantic Region, Queen Square, 16th Floor,
45 Alderney Drive, Dartmouth, Nova Scotia B2Y 2N6, 902-490-0775
(fax), mark.dalton@ec.gc.ca (email); and

(*c*) Mr. Charles MacInnis, Fisheries and Oceans Canada, Civic 2920 Highway 104, Antigonish, Nova Scotia B2G 2K7, 902-863-5818 (fax), charles.macinnis@dfo-mpo.gc.ca (email).

12.2. The Canadian Coast Guard, Marine Communication and Traffic Services (MCTS) Sydney (1-800-686-8676) is to be notified in advance of the commencement of work so that appropriate Notices to Shipping/Mariners may be issued.

12.3. The Permittee shall submit a written report to the Minister, as represented by the Regional Director of the Environmental Protection Operations Directorate, Atlantic Region, c/o Ms. Jayne Roma, as identified in paragraph 12.1(*a*), within 30 days of either the completion of the work

or the expiry of the permit, whichever comes first. This report shall contain the following information: a list of all work completed pursuant to the permit, including the location of the loading and disposal sites used, the quantity of matter disposed of at the disposal site and the dates on which disposal activities occurred.

13. Special precautions:

13.1. The loading and disposal at sea activities referred to under this permit shall be carried out in accordance with Section 46 of the permit application.

I. R. GEOFFREY MERCER Regional Director Environmental Protection Operations Directorate Atlantic Region On behalf of the Minister of the Environment [11-1-0]

## DEPARTMENT OF THE ENVIRONMENT

## CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to section 127 of the *Canadian Environmental Protection Act, 1999*, Disposal at Sea Permit No. 4543-2-06710 authorizing the loading for disposal and the disposal of waste or other matter at sea is approved.

1. Permittee: Barry Group Inc., Dover, Newfoundland and Labrador.

2. *Waste or other matter to be disposed of*: Fish waste and other organic matter resulting from industrial fish processing operations.

2.1. *Nature of waste or other matter*: Fish waste and other organic matter consisting of fish waste.

3. *Duration of permit*: Permit is valid from May 3, 2012, to May 2, 2013.

4. *Loading site(s)*: Dover, Newfoundland and Labrador, at approximately 48°52.00′ N, 53°58.50′ W (NAD83).

5. *Disposal site(s)*: Dover, within a 250 m radius of 48°51.00′ N, 53°57.00′ W (NAD83), at an approximate depth of 90 m.

#### 6. Method of loading:

6.1. The Permittee shall ensure that the material is loaded onto floating equipment complying with all applicable rules regarding safety and navigation and capable of containing all waste cargo during loading and transit to the approved disposal site.

6.2. The Permittee shall ensure that the waste to be disposed of is covered by netting or other material to prevent access by gulls and other marine birds, except during direct loading or disposal of the waste.

6.3. Material loaded for the purpose of disposal at sea may not be held aboard any ship for more than 96 hours from the commencement of loading without the written consent of an enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999*.

6.4. The loading and transit shall be completed in a manner that ensures that no material contaminates the marine environment, notably the harbour and adjacent beaches. The Permittee shall also ensure that the loading sites are cleaned up and, if necessary, that spilled wastes are recovered.

7. *Route to disposal site(s) and method of transport*: Most direct navigational route from the loading site to the disposal site.

8. Method of disposal:

8.1. The Permittee shall ensure that the waste to be disposed of is discharged from the equipment or ship while steaming within the disposal site boundaries and in a manner which will promote dispersion.

9. Total quantity to be disposed of: Not to exceed 200 tonnes.

### 10. Inspection:

10.1. By accepting this permit, the Permittee and their contractors accept that they are subject to inspection pursuant to Part 10 of the *Canadian Environmental Protection Act, 1999*.

#### 11. Contractors:

11.1. The loading or disposal at sea referred to under this permit shall not be carried out by any person without written authorization from the Permittee.

11.2. The Permittee shall ensure that all persons involved in the loading, transport or disposal activities authorized by this permit conduct these activities in accordance with the relevant permit conditions.

### 12. Reporting and notification:

12.1. The Permittee shall provide the following information at least 48 hours before loading and disposal activities commence: name or number of ship, platform or structure used to carry out the loading and/or disposal, name of the contractor including corporate and on-site contact information, and expected period of loading and disposal activities. The above-noted information shall be submitted to Ms. Jayne Roma, Environmental Protection Operations Directorate, Environment Canada, 45 Alderney Drive, Dartmouth, Nova Scotia B2Y 2N6, 902-490-0716 (fax), jayne. roma@ec.gc.ca (email).

12.2. The Permittee shall submit a written report to the Minister, as represented by the Regional Director of the Environmental Protection Operations Directorate, Atlantic Region, c/o Ms. Jayne Roma, as identified in paragraph 12.1, within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: the quantity of matter disposed of at the disposal site(s) and the dates on which disposal activities occurred.

12.3. This permit shall be displayed in an area of the plant accessible to the public.

I. R. GEOFFREY MERCER Regional Director Environmental Protection Operations Directorate Atlantic Region On behalf of the Minister of the Environment

[11-1-0]

## DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to section 127 of the *Canadian Environmental Protection Act, 1999*, Disposal at Sea Permit No. 4543-2-06715 authorizing the loading for disposal and the disposal of waste or other matter at sea is approved.

1. *Permittee*: Ocean Choice International LP, Triton, Newfoundland and Labrador.

2. *Waste or other matter to be disposed of*: Fish waste and other organic matter resulting from industrial fish processing operations.

2.1. *Nature of waste or other matter*: Fish waste and other organic matter consisting of fish and shellfish waste.

3. *Duration of permit*: Permit is valid from May 22, 2012, to May 21, 2013.

4. *Loading site(s)*: Triton, Newfoundland and Labrador, at approximately 49°32.30′ N, 55°35.90′ W (NAD83).

5. *Disposal site(s)*: Triton, within a 250 m radius of 49°33.50′ N, 55°34.00′ W (NAD83), at an approximate depth of 183 m.

## 6. Method of loading:

6.1. The Permittee shall ensure that the material is loaded onto floating equipment complying with all applicable rules regarding safety and navigation and capable of containing all waste cargo during loading and transit to the approved disposal site.

6.2. The Permittee shall ensure that the waste to be disposed of is covered by netting or other material to prevent access by gulls and other marine birds, except during direct loading or disposal of the waste.

6.3. Material loaded for the purpose of disposal at sea may not be held aboard any ship for more than 96 hours from the commencement of loading without the written consent of an enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999*.

6.4. The loading and transit shall be completed in a manner that ensures that no material contaminates the marine environment, notably the harbour and adjacent beaches. The Permittee shall also ensure that the loading sites are cleaned up and, if necessary, that spilled wastes are recovered.

7. *Route to disposal site(s) and method of transport*: Most direct navigational route from the loading site to the disposal site.

## 8. Method of disposal:

8.1. The Permittee shall ensure that the waste to be disposed of is discharged from the equipment or ship while steaming within the disposal site boundaries and in a manner which will promote dispersion.

9. Total quantity to be disposed of: Not to exceed 2 000 tonnes.

#### 10. Inspection:

10.1. By accepting this permit, the Permittee and their contractors accept that they are subject to inspection pursuant to Part 10 of the *Canadian Environmental Protection Act, 1999.* 

#### 11. Contractors:

11.1. The loading or disposal at sea referred to under this permit shall not be carried out by any person without written authorization from the Permittee.

11.2. The Permittee shall ensure that all persons involved in the loading, transport or disposal activities authorized by this permit conduct these activities in accordance with the relevant permit conditions.

### 12. Reporting and notification:

12.1. The Permittee shall provide the following information at least 48 hours before loading and disposal activities commence: name or number of ship, platform or structure used to carry out the loading and/or disposal, name of the contractor including corporate and on-site contact information, and expected period of loading and disposal activities. The above-noted information shall be submitted to Ms. Jayne Roma, Environmental Protection Operations Directorate, Environment Canada, 45 Alderney Drive, Dartmouth, Nova Scotia B2Y 2N6, 902-490-0716 (fax), jayne.roma@ec.gc.ca (email).

12.2. The Permittee shall submit a written report to the Minister, as represented by the Regional Director of the Environmental Protection Operations Directorate, Atlantic Region, c/o Ms. Jayne Roma, as identified in paragraph 12.1, within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: the quantity of matter disposed of at the disposal site(s) and the dates on which disposal activities occurred.

12.3. This permit shall be displayed in an area of the plant accessible to the public.

I. R. GEOFFREY MERCER

Regional Director Environmental Protection Operations Directorate Atlantic Region On behalf of the Minister of the Environment [11-1-0]

## DEPARTMENT OF THE ENVIRONMENT

CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Notice is hereby given that, pursuant to section 127 of the *Canadian Environmental Protection Act, 1999*, Disposal at Sea Permit No. 4543-2-06716 authorizing the loading for disposal and the disposal of waste or other matter at sea is approved.

1. *Permittee*: Beothic Fish Processors Ltd., Valleyfield, Newfoundland and Labrador.

2. *Waste or other matter to be disposed of*: Fish waste and other organic matter resulting from industrial fish processing operations.

2.1. *Nature of waste or other matter*: Fish waste and other organic matter consisting of fish and shellfish waste.

3. *Duration of permit*: Permit is valid from May 2, 2012, to May 1, 2013.

4. *Loading site(s)*: Valleyfield, Newfoundland and Labrador, at approximately 49°07.35′ N, 53°36.85′ W (NAD83).

5. *Disposal site(s)*: Valleyfield, within a 250 m radius of 49°05.34′ N, 53°35.76′ W (NAD83), at an approximate depth of 8 m.

## 6. *Method of loading*:

6.1. The Permittee shall ensure that the material is loaded onto floating equipment complying with all applicable rules regarding safety and navigation and capable of containing all waste cargo during loading and transit to the approved disposal site.

6.2. The Permittee shall ensure that the waste to be disposed of is covered by netting or other material to prevent access by gulls and other marine birds, except during direct loading or disposal of the waste.

6.3. Material loaded for the purpose of disposal at sea may not be held aboard any ship for more than 96 hours from the commencement of loading without the written consent of an enforcement officer designated pursuant to subsection 217(1) of the *Canadian Environmental Protection Act, 1999*.

6.4. The loading and transit shall be completed in a manner that ensures that no material contaminates the marine environment, notably the harbour and adjacent beaches. The Permittee shall also ensure that the loading sites are cleaned up and, if necessary, that spilled wastes are recovered.

7. *Route to disposal site(s) and method of transport*: Most direct navigational route from the loading site to the disposal site.

8. Method of disposal:

8.1. The Permittee shall ensure that the waste to be disposed of is discharged from the equipment or ship while steaming within the disposal site boundaries and in a manner which will promote dispersion.

9. Total quantity to be disposed of: Not to exceed 1 600 tonnes.

10. Inspection:

10.1. By accepting this permit, the Permittee and their contractors accept that they are subject to inspection pursuant to Part 10 of the *Canadian Environmental Protection Act, 1999*.

### 11. Contractors:

11.1. The loading or disposal at sea referred to under this permit shall not be carried out by any person without written authorization from the Permittee.

11.2. The Permittee shall ensure that all persons involved in the loading, transport or disposal activities authorized by this permit conduct these activities in accordance with the relevant permit conditions.

## 12. Reporting and notification:

12.1. The Permittee shall provide the following information at least 48 hours before loading and disposal activities commence: name or number of ship, platform or structure used to carry out the loading and/or disposal, name of the contractor including corporate and on-site contact information, and expected period of loading and disposal activities. The above-noted information shall be submitted to Ms. Jayne Roma, Environmental Protection Operations Directorate, Environment Canada, 45 Alderney Drive, Dartmouth, Nova Scotia B2Y 2N6, 902-490-0716 (fax), jayne. roma@ec.gc.ca (email).

12.2. The Permittee shall submit a written report to the Minister, as represented by the Regional Director of the Environmental Protection Operations Directorate, Atlantic Region, c/o Ms. Jayne Roma, as identified in paragraph 12.1, within 30 days of either the completion of the work or the expiry of the permit, whichever comes first. This report shall contain the following information: the quantity of matter disposed of at the disposal site(s) and the dates on which disposal activities occurred.

12.3. This permit shall be displayed in an area of the plant accessible to the public.

#### I. R. GEOFFREY MERCER

Regional Director Environmental Protection Operations Directorate Atlantic Region On behalf of the Minister of the Environment [11-1-0]

## DEPARTMENT OF THE ENVIRONMENT

### CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

## Ministerial Condition No. 16683

Whereas the Minister of the Environment and the Minister of Health have assessed information pertaining to the substance Polyol polymer with (chloromethyl) oxirane, trimethyl amine quaternized;

And whereas the ministers suspect that the substance is toxic or capable of becoming toxic within the meaning of section 64 of the *Canadian Environmental Protection Act, 1999*,

The Minister of the Environment, pursuant to paragraph 84(1)(*a*) of the *Canadian Environmental Protection Act, 1999*, hereby permits the manufacture or import of the substance in accordance with the conditions of the following annex.

PETER KENT Minister of the Environment

### ANNEX

## Conditions

(Paragraph 84(1)(*a*) of the *Canadian Environmental Protection Act, 1999*)

1. The following definitions apply in these ministerial conditions:

"notifier" means the person who has, on December 15, 2011, provided to the Minister of the Environment the prescribed information concerning the substance, in accordance with subsection 81(1) of the *Canadian Environmental Protection Act, 1999*.

"substance" means Polyol polymer with (chloromethyl) oxirane, trimethyl amine quaternized.

"waste" includes effluents resulting from rinsing transport vessels, storage vessels or blending vessels that contained the substance, process effluents, and any residual amounts of the substance.

2. The notifier may manufacture or import the substance in accordance with the present ministerial conditions.

### Restriction

3. The notifier may import the substance to use it, or to transfer it to a person who will use it, only in on-shore oil production operations as a reverse emulsion breaker or as a water clarifier.

4. At least 120 days prior to beginning manufacturing of the substance in Canada, the notifier shall inform the Minister of the Environment, in writing, and provide the following information:

(*a*) the information specified in item 5 of Schedule 10 to the *New Substances Notification Regulations (Chemicals and Polymers)*;

(*b*) the information specified in paragraph 11(*c*) of Schedule 11 to those Regulations;

(*c*) a brief description of the manufacturing process that details the reactants and monomers used, reaction stoichiometry, nature (batch or continuous) and scale of the process;

(*d*) a flow diagram of the manufacturing process that includes features such as process tanks, holding tanks and distillation towers; and (*e*) a brief description of the major steps in manufacturing operations, the chemical conversions, the points of entry of all the reactants and monomers and the points of release of the substance, and the processes to eliminate environmental release.

## Environmental Release

5. Where any release of the substance to the environment occurs, other than a release into an oil well resulting from a use of the substance described in item 3, the person who has the physical possession or control of the substance shall immediately take all measures necessary to prevent any further release and to limit the dispersion of the substance. Furthermore, the person shall inform the Minister of the Environment immediately by contacting an enforcement officer, designated under the *Canadian Environmental Protection Act, 1999*, of the Environment Canada Regional Office that is closest to where the release occurred.

## Disposal

6. The notifier must destroy or dispose of the substance or any waste containing it in their physical possession or under their control in the following manner:

(*a*) deep-well injection in accordance with the laws of the jurisdiction where the well is located; or

(*b*) incineration in accordance with the laws of the jurisdiction where the incineration facility is located.

## Record-keeping Requirements

7. (1) The notifier shall maintain electronic or paper records, with any documentation supporting the validity of the information contained in these records, indicating

(*a*) the use of the substance;

(*b*) the quantity of the substance that the notifier manufactures, imports, purchases, sells and uses;

(c) the name and address of each person to whom the notifier transfers the physical possession or control of the substance; and (d) the name and address of the person in Canada who has disposed of the substance or of the waste for the notifier, the method used to do so, and the quantities of the substance or waste shipped to that person.

(2) The notifier shall maintain electronic or paper records mentioned in subitem (1) at the notifier's principal place of business in Canada for a period of at least five years after they are made.

### Other Requirements

8. The notifier shall inform any person to whom they transfer the physical possession or control of the substance, in writing, of the terms of the present ministerial conditions. The notifier shall obtain, prior to the transfer, written confirmation from this person that they were informed of the terms of the present ministerial conditions. This written confirmation shall be maintained at the notifier's principal place of business in Canada for a period of at least five years from the day it was received.

### Coming into Force

9. This Ministerial Condition comes into force on March 2, 2012.

[11-1-0]

## DEPARTMENT OF HEALTH

FOOD AND DRUGS ACT

Food and Drug Regulations — Amendments

Interim Marketing Authorization

Provisions currently exist in the *Food and Drug Regulations* (the Regulations) for the use of caffeine and caffeine citrate as food additives in cola-type beverages at a maximum level of use of 200 parts per million (ppm) in the finished product.

Health Canada has received a request to continue to permit the use of caffeine and caffeine citrate as food additives in non-alcoholic carbonated water-based flavoured and sweetened beverages other than cola-type beverages. The maximum level of use of caffeine and caffeine citrate (calculated as caffeine), used singly or in combination in these beverages, would be 150 ppm in the finished product. This authorization is intended to provide for the continued addition of caffeine and caffeine citrate to the beverages commonly referred to as carbonated soft drinks, other than cola-type soft drinks. This authorization does not change the provisions for the use of caffeine and caffeine citrate in cola-type beverages, which will continue to be permitted at a maximum level of use of 200 ppm in the finished product.

The extended use of caffeine and caffeine citrate will provide for the additional use of these food additives in carbonated soft drinks. The original submission requesting the use of caffeine and caffeine citrate in the beverages described above was subject to the pre-market review requirements set out in section B.16.002 of the Regulations. Health Canada has concluded that the evaluation of available data supports the safety of caffeine and caffeine citrate in these beverages according to the requirements of section B.16.002.

Therefore, it is the intention of Health Canada to recommend that the Regulations be amended to permit the use of caffeine and caffeine citrate as food additives in non-alcoholic carbonated water-based flavoured and sweetened beverages other than cola-type beverages at a maximum level of use of 150 ppm used singly or in combination in the finished product. As a means to improve the responsiveness of the regulatory system, an Interim Marketing Authorization is being issued to continue to permit the use of caffeine and caffeine citrate, as indicated above, while the regulatory process to amend the Regulations continues. The unstandardized foods described above are exempted from sections B.01.043 and B.16.007 of the *Food and Drug Regulations*.

The proposed regulatory amendments would be enabling measures to allow the sale of the beverages described above containing the food additives caffeine and caffeine citrate. The amendments are supported by the safety assessment and would have a low impact on the economy and on the environment. Consequently, the regulatory amendments may proceed directly to final approval and publication in the *Canada Gazette*, Part II.

#### Contact

Rick O'Leary, Acting Manager, Bureau of Policy, Regulatory and Governmental Affairs, Health Canada, 251 Sir Frederick Banting Driveway, Address Locator 2203B, Ottawa, Ontario K1A 0K9, 613-957-1750 (telephone), 613-941-6625 (fax), sche-ann@hc-sc.gc.ca (email).

March 7, 2012

PAUL GLOVER Assistant Deputy Minister Health Products and Food Branch

[11-1-0]

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Judge	
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Nunavut Court of Justice	
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Canadian Institutes of Health Research	
Member — Governing Council	

March 9, 2012

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