

Canada Drafted the “Prohibition of Certain Toxic Substances Regulations”

On 2022-05-14, Canada proposed in its Gazette "Part I, Volume 156, Number 20," the draft regulations "*Prohibition of Certain Toxic Substances Regulations, 2022*".

The purpose of the proposed regulations is to update the list and control of **Toxic Substances** in Schedule 1 of the *Canadian Environmental Protection Act, 1999 (CEPA)*. The following list of substances that are proved to have or may have an immediate or long-term **harmful effect** on the **environment** or its **biological diversity**, based on the scientific risk assessments conducted by the Canadian Government:

DP	dechlorane plus
DBDPE	decabromodiphenyl ethane
PFOS	perfluorooctane sulfonate its salts and its precursors
PFOA	perfluorooctanoic acid its salts and its precursors
HBCD	hexabromocyclododecane
PBDEs	polybrominated diphenyl ethers
LC-PFCAs	long-chain perfluorocarboxylic acids their salts and their precursors

Major Changes:

Once accepted, the proposed regulations would repeal and replace the *Prohibition of Certain Toxic Substances Regulations, 2012* (current regulations) and introduce restrictions on the manufacture, use, sale and import of DP and DBDPE, and the products containing these substances. It would also further restrict the manufacture, use, sale and import of PFOS, PFOA, HBCD, PBDEs and LC-PFCAs, and the products containing these substances, which are already prohibited, with some exemptions, under the current regulations.

Entry	Substance	Highlights of the Changes
1	DP	<ul style="list-style-type: none"> ➤ Prohibition of DP and DBDPE in all products with several exemptions as specified ➤ Allow for permits to be issued for up to 3 years that would allow the continued manufacture and import of these substances, or products containing them
2	DBDPE	
3	PFOS PFOA LC-PFCAs	<ul style="list-style-type: none"> ➤ Further restrict the manufacture, use, sale and import of these substances, and the products containing them, by removing certain exemptions or limiting the activities as specified. ➤ ≤ 1ppm for each substance in a product, including aqueous film-forming foam (AFFF) used in firefighting
4	PBDEs	<ul style="list-style-type: none"> ➤ Further restrict the manufacture, use, sale and import of this substance, and the products containing it, by removing certain exemptions or limiting the activities as specified ➤ ≤ 10 ppm for each PBDE congener in a substance, mixture polymer or resin ➤ ≤ 500 ppm (sum of PBDE congeners) in all other products
5	HBCD	<ul style="list-style-type: none"> ➤ Further restrict the manufacture, use, sale and import of this substance, and the products containing it, by removing certain exemptions or limiting the activities as specified ➤ Two exemptions are specified ➤ Allow for permits to be issued for up to 3 years that would allow the continued manufacture and import of this substance, or products containing it. ➤ ≤ 100 ppm in product

Effective Date:

Timeline for the comments are as follows:

Days After the Draft Publication on 2022-05-14	Deadline	File comments with the Minister
60	2022-07-13	A notice of objection requesting that a board of review to be established under section 333 of that Act and stating the reasons for the objection.
75	2022-07-28	Other comments with respect to the proposed regulations

The proposed regulations would then come into force **6 months after the day of registration**.

References:

<https://gazette.gc.ca/rp-pr/p1/2022/2022-05-14/html/reg2-eng.html>

<https://laws-lois.justice.gc.ca/eng/regulations/SOR-2012-285/index.html>

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