INFORMATION FOR IMPORTERS: *PROHIBITION OF CERTAIN TOXIC SUBSTANCES REGULATIONS, 2012*

The *Prohibition of Certain Toxic Substances Regulations, 2012* (the Regulations) prohibit the manufacture, use, sale, offer for sale and **import** of certain toxic substances, as well as products containing them, with a limited number of exemptions. The substances prohibited by the Regulations have been identified as posing a risk to the environment and/or human health.

As an importer you must comply with all relevant requirements of the Regulations. Depending on the substance, prohibited items can include, but are not limited to, consumer products, industrial products, intermediary articles used in manufacturing, and chemical or recycled material feedstock. Substances, and/or products containing them, that are prohibited in Canada may still be legally manufactured or used in other countries. This information sheet aims to help you avoid imports that may lead to accidental regulatory violations.

PROHIBITED SUBSTANCES AND THE PRODUCTS CONTAINING THEM

This table provides some examples of imported products that may be more likely to contain prohibited substances, due to their ongoing use in other countries. However, these are only examples and other substances that are prohibited by the Regulations may also be found in imported products. As an importer, it is your responsibility to ensure that your products comply with the Regulations. The full names and a complete list of prohibited substances can be found at the end of this fact sheet or by visiting canada.ca/prohibited-chemical-substances.

PROHIBITED SUBSTANCE (COMMMON ABBREVIATION)	FUNCTION OF THE SUBSTANCE IN THE PRODUCT	EXAMPLES OF PROHIBITED PRODUCTS THAT MAY BE AT HIGHER RISK OF BEING IMPORTED DUE TO ONGOING USE IN OTHER COUNTRIES
PBDEs	Flame retardants	Polymer resin; coatings used in textiles, electronic equipment and marine applications; recycled plastic pellets
HBCD		Polystyrene foam used in construction
Short-chain chlorinated alkanes, also known as short-chain chlorinated paraffins	Plasticizers, flame retardants, additives	Plastics (including in toys like jump ropes or balls, or in extension cords); vinyls; adhesives; sealants; paints and coatings; cutting fluids; high pressure lubricating oils used in metalworking
2-ME	Solvents	Nail polish removers; whiteboard cleaners; all-purpose cleaners; decontamination agents; industrial coatings; anti-icing agents for jet fuel
PFOS, its salts and precursors	Surfactants	Dirt, water and grease repellent coatings and items treated with them, such as paper and packaging, carpets and fabrics; fire-fighting foams
PFOA and LC-PFCAs, their salts and precursors		Dirt, water and grease repellent coatings for use in textiles, carpets, hoses, cables, gaskets and non-stick cookware; paints; personal care products

EXEMPTIONS

The Regulations include a limited number of general and substance-specific exemptions. For example, the Regulations do not prohibit the import of manufactured items[1] containing PBDEs, PFOA or LC-PFCAs, or the import of substances, and products containing them, used in certain laboratory or scientific applications. Please consult this webpage to see if an exemption applies to your activities: canada.ca/prohibited-chemical-substances.

STEPS YOU CAN TAKE TO VERIFY THAT THE PRODUCTS YOU IMPORT COMPLY WITH THE REGULATIONS

There are a number of actions[2] that you can take to minimize your risk of importing prohibited substances and products containing them:

- Check with your supply chain
    - Familiarize yourself with the substances that are listed to the Regulations (see list at the end of this fact sheet)
    - Review manufacturing formulations, engineering specifications, Safety Data Sheets (SDS) and other available documentation
    - Ask your suppliers for certification that the products are not made with prohibited substances
    - If you import substances or products in which the presence of a prohibited substance has been detected, verify with your suppliers whether the presence is incidental or if a specific exemption applies, and maintain records accordingly
- Specify the absence of prohibited substances in your contracting documents
- Have your substances or products periodically tested
- Maintain records that demonstrate your efforts to comply with the Regulations

ENFORCEMENT AND VIOLATIONS

The *Canadian Environmental Protection Act, 1999* (CEPA) and its regulations, including the *Prohibition of Toxic Substances Regulations, 2012*, are enforced in accordance with the *Compliance and Enforcement Policy for the Canadian Environmental Protection Act, 1999*, which can be accessed online at: https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/publications/compliance-enforcement-policy.html.

RELATED INFORMATION

- Information on the *Prohibition of Certain Toxic Substances Regulations, 2012* : https://canada.ca/prohibited-chemical-substances
- Substances Search tool on the CEPA Registry: https://pollution-waste.canada.ca/substances-search/Substance?lang=en

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[1] A “manufactured item” is a product “formed into a specific physical shape or design during its manufacture and that has, for its final use, a function or functions dependent in whole or in part on its shape or design.”
[2] These actions are not requirements of the Regulations; they are provided as examples for guidance purposes only.

CONTACT US

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DISCLAIMER

This information has been prepared for convenience of reference only and is not to be construed as a legal document. For the purpose of interpreting and applying the Regulations, consult the Regulations on Justice Canada's website: https://laws-lois.justice.gc.ca/eng/regulations/SOR-2012-285/.

LIST OF SUBSTANCES SUBJECT TO THE REGULATIONS [3]

- Certain groups of per- and polyfluoroalkyl substances (PFAS):
    - Perfluorooctanoic acid, which has the molecular formula $C_7F_{15}CO_2H$ (PFOA) and its salts
    - Compounds that consist of a perfluorinated alkyl group that has the molecular formula C_nF_{2n+1} in which n = 7 or 8 and that is directly bonded to any chemical moiety other than a fluorine, chlorine or bromine atom (PFOA precursors)
    - Perfluorocarboxylic acids that have the molecular formula $C_nF_{2n+1}CO_2H$ in which $8 \leq n \leq 20$ (LC-PFCAs) and their salts
    - Compounds that consist of a perfluorinated alkyl group that has the molecular formula C_nF_{2n+1} in which $8 \leq n \leq 20$ and that is directly bonded to any chemical moiety other than a fluorine, chlorine or bromine atom (LC-PFCA precursors), including:
        1. Hexane, 1,6-diisocyanato-, homopolymer, reaction products with alpha-fluoro-omega-2- hydroxyethyl-poly(difluoromethylene), C16-20-branched alcohols and 1-octadecanol
        2. 2-Propenoic acid, 2-methyl-, hexadecyl ester, polymers with 2-hydroxyethyl methacrylate, gamma-omega-perfluoro-C10-16-alkyl acrylate and stearyl methacrylate
        3. 2-Propenoic acid, 2-methyl-, 2-methylpropyl ester, polymer with butyl 2-propenoate and 2,5 furandione, gamma-omega-perfluoro-C8-14-alkyl esters, *tert*-Bu benzenecarboperoxoate-initiated
        4. 2-Propen-1-ol, reaction products with pentafluoroiodoethane tetrafluoroethylene telomer, dehydroiodinated, reaction products with epichlorohydrin and triethylenetetramine
    - Perfluorooctane sulfonate (PFOS) and its salts
    - Compounds that contain one of the following groups: $C_8F_{17}SO_2$, $C_8F_{17}SO_3$ or $C_8F_{17}SO_2N$ (PFOS precursors)
- Hexabromocyclododecane, which has the molecular formula $C_{12}H_{18}Br_6$ (HBCD)
- Polybrominated diphenyl ethers that have the molecular formula $C_{12}H_{(10-n)}Br_nO$ in which $4 \leq n \leq 10$ (PBDEs)
- Chlorinated alkanes, that have the molecular formula $C_nH_xCl_{(2n+2-x)}$ in which $10 \leq n \leq 13$ (short-chain chlorinated alkanes)
- Tributyltins, which contain the grouping $(C_4H_9)_3Sn$ (TBTs)
- Polychlorinated naphthalenes, which have the molecular formula $C_{10}H_{8-n}Cl_n$ in which "n" is greater than 1 (PCNs)
- 2-Methoxyethanol, which has the molecular formula $C_3H_8O_2$ (2-ME)
- Pentachlorobenzene, which has the molecular formula C_6HCl_5 (PeCB)
- Tetrachlorobenzenes, which have the molecular formula $C_6H_2Cl_4$ (TeCB)
- Dichlorodiphenyltrichloroethane, which has the molecular formula $C_{14}H_9Cl_5$ (DDT)
- Hexachlorobutadiene, which has the molecular formula C_4Cl_6 (HCBD)
- N-Nitrosodimethylamine, which has the molecular formula $C_2H_6N_2O$ (NDMA)
- Benzidine and benzidine dihydrochloride, which have the molecular formula $C_{12}H_{12}N_2$ and $C_{12}H_{12}N_2.2HCl$, respectively
- Hexachlorobenzene (HCB)
- (4-Chlorophenyl)cyclopropylmethanone, O-[(4-nitrophenyl)methyl]oxime that has the molecular formula $C_{17}H_{15}ClN_2O_3$ (NCC ether)
- Chloromethyl methyl ether that has the molecular formula C_2H_5ClO (CMME)
- Bis(chloromethyl) ether that has the molecular formula $C_2H_4Cl_2O$ (BCME)

[3] The list of toxic substances subject to the Regulations is up to date as of 2022-02-28

- Polychlorinated terphenyls that have a molecular formula $C_{18}H_{(14-n)}Cl_n$ in which "n" is greater than 2 (PCT)
- Polybrominated biphenyls that have the molecular formula $C_{12}H_{(10-n)}Br_n$ in which "n" is greater than 2 (PBB)
- Dodecachloropentacyclo [5.3.0.$0^{2,6}$.$0^{3,9}$.$0^{4,8}$] decane (Mirex)

Contact us for a non-exhaustive list of CAS Registry Numbers