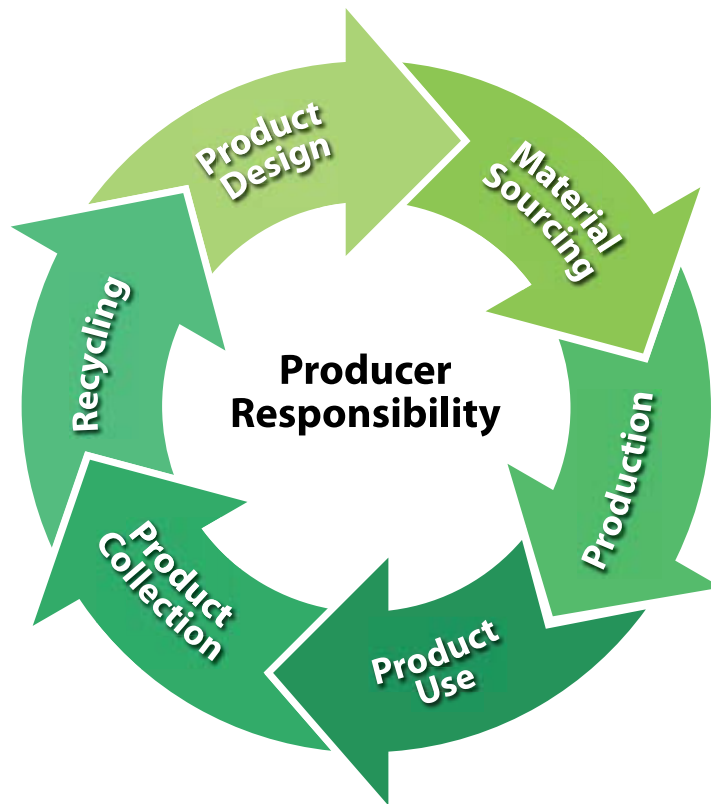




WHITEPAPER

SUSTAINABILITY:

Extended Producer Responsibility (EPR) for Electrical Products in Canada



Opportunities, Direction and Compliance

September 2010



Sustainability: Extended Producer Responsibility (EPR) for Electrical Products in Canada



Opportunities, Direction and Compliance

Date Released: September 2010

Disclaimer

This document has been prepared to provide information on Extended Producer Responsibilities in Canada. It is not intended to endorse or recommend any specific product or program. Every effort has been made to present accurate and reliable information as available at the time of publication. For the latest updates on EPR regulations, please see each province's Ministry of the Environment Website.

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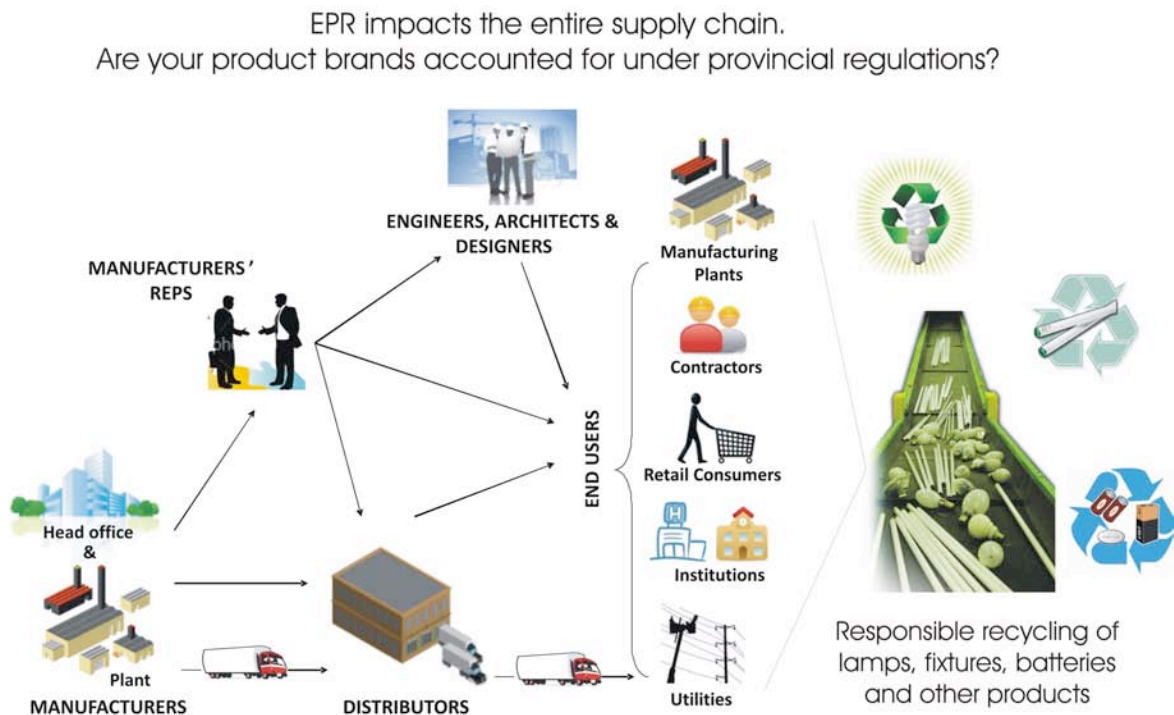
SECTION 1: INTRODUCTION

1.1 EXECUTIVE OVERVIEW: CALL TO ACTION

EPR Compliance: Not an Option

Complying with Extended Producer Responsibility (EPR) regulations is not an optional business practice; it's the law. With the onset of regulations in several provinces already—and all other provinces following suit shortly—organizations are now responsible for the entire lifecycle of regulated products, from eco-design, production and packaging to end-of-life product collection, processing, reporting and tracking. Also, now more than ever before, stakeholders and partners expect businesses to meet compliance requirements, given that their own reputation and business may depend on it.

And, this is just the beginning. Government involvement in business conduct is in its infancy in the Canadian electrical industry and is becoming more prominent each year. EPR stewardship is fast becoming the *license* for business operation; meeting EPR requirements in effect gives a company the license to carry out business practices in a region. Furthermore, partners, representatives and distributors who conduct business with a producer who does not comply, can be fined and/or have their businesses shut down. EPR is a real regulation with real consequences.



The intent of this paper is to provide guidance on what each producer must do to get on the path of EPR stewardship. This paper will explore the steps your company needs to take *now* to ensure compliance with individual provincial EPR regulations for lamps, fixtures and batteries, as well as other regulated products under provincial law. Further discussion will centre on opportunities that EPR compliance affords the channel—manufacturers, distributors and manufacturers’ representatives. Finally, this paper includes a section on Packaging for EPR, a key area for which protocols and procedures are fast developing on a provincial basis.

1.2 EPR OVERVIEW

Sustainability. This term has become synonymous with the three-fold act of balancing social, environmental and economic needs, now and in the future. Sustainability takes on many forms in our industry, including energy efficiency, hazardous waste management, extended producer responsibility...just to name a few.

Everything that we produce and consume has both an economic and environmental cost. While we are accustomed to paying the production cost for products, what about its end-of-life costs? Consider the materials and packaging used in common electrical products like compact fluorescent lamps, fixtures and batteries that often end up in landfills today.

According to Statistics Canada, Canadians generated approximately 1,072 kg per person of municipal solid waste in 2006, totaling 35 million tonnes of waste per year. Only 7.7 million tonnes of the total waste generated was diverted through recycling or composting programs.

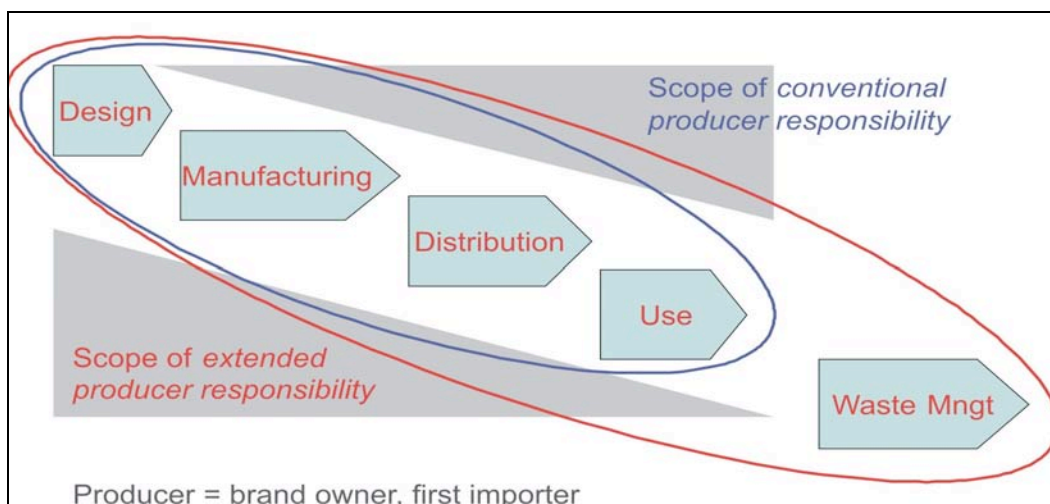
With due-cause concern for the effects of particular end-of-life products on the environment, there has never been a better time to reduce the environmental footprint of products by taking charge of a product’s entire lifecycle—from design and manufacturing, distribution and sale, to consumption and disposal. Although all of these steps are important, the last link in this product lifecycle chain is what forms the foundation of Extended Producer Responsibility (EPR) programs.

EPR is a strategy designed to promote the integration of environmental costs associated with goods throughout their life cycles into the market price of products. EPR is referred to by the Canadian

Council of Ministers of the Environment as an “environmental policy approach in which a producer’s responsibility for a product is extended to the post-consumer stage of a product’s life cycle.” In Canada, EPR includes three main pillars: the Waste Electrical and Electronic Equipment (WEEE) directive, BlueBox and Household Hazardous Waste (HHW)—all of which largely impact the electrical industry in Canada.

1.2.1 What is a Producer?

A “Producer”¹ is defined as the **owner of a trademark or brand name** for a product that is sold or distributed, **or an entity that imports** the product for sale or distribution within a given territory. This can include **suppliers, distributors, as well as first importers and retailers**. This regulatory definition aims to cover persons at the highest level of the marketing or distribution chain for a regulated product.



Source: BC Ministry of the Environment

In Canada, EPR is a provincial matter; each province has jurisdiction over the design, implementation and mandate of programs. Most provincial programs assign long-term environmental responsibility to producers in an attempt to internalize costs and convert the linear “cradle-to-grave” production and distribution chain into a “cradle-to-cradle” system that encourages improved product design to reduce resource use, reuse, and recycling. It is understood that all of these costs will be reflected in the price of the product—whether it be at the point of manufacture and distribution or at the point of consumer sale.

¹ The term “Producer” is used largely in British Columbia; other provinces reference this role as “Supplier” (Alberta); “Brand Owner” (New Brunswick); and “Steward” (Ontario). For the purpose of this paper, this role will be referenced to as “Producer”.

EPR programs change the traditional balance of responsibilities among the manufacturers and distributors of consumer goods, consumers and governments with regard to waste management. In other words, EPR *extends* traditional environmental responsibilities that producers and distributors have previously been assigned (workforce safety, prevention and treatment of environmental releases from production, financial and legal responsibility for the sound management of production wastes) to include waste management at the post-consumer stage.

1.3 DISTRIBUTOR RESPONSIBILITY

Distributors are largely impacted by EPR stewardship in a number of ways—both directly (as a possible brand owner) and indirectly (manufacturer may be responsible, but distributor sees costs). While manufacturers may be considered the primary producer in many cases, distributors too play a lead role in EPR stewardship. **If a distributor is the brand owner or first importer of a regulated product, they are the producer, and therefore, required to comply with all requirements.**

As a producer, distributors are then required to belong to accredited provincial stewardship programs in order to sell their product(s) in different provinces. If a product is sold in more than one province, the distributor must register for an approved program in each of the provinces in which they conduct business. See next page for provincial programs.

Moreover, in some provinces such as British Columbia, if a distributor (or for that matter a rep) conducts business with a manufacturer (producer) that *does not* belong to an approved program, they too can be charged with an offense if they are considered to be the obligated party under the regulation.

Beyond Lamps, Fixtures and Batteries

In addition to the specified lamps, fixtures and batteries that are impacted by EPR regulations, distributors who also sell products containing hazardous chemicals, including, but not limited to, aerosol containers, paints and coatings, oil filters and containers², are also required to comply with provincial regulations.

² See Section 2.4 for a comprehensive list of other regulated products.

1.4 FIRST STEPS

To mitigate risk and ensure compliancy, it is important for manufacturers and distributors to work together to ensure all regulated products are accounted for. First, ensure all parties involved in a product's development and sale understand which products are affected. Secondly, determine who is considered to be the producer.

Next, all producers must belong to government-approved EPR programs in all provinces in which they conduct business. Again, the onus is on the brand owner/first importer to register with an approved program.

Remember, there may be choices. Producers may opt to design, implement and run their own program, so long as it is approved by the government, or they may choose to participate in an existing accredited program. In both cases, membership in a program gives the producer a "license" to sell in a particular province. Again, if a company conducts business in more than one province, they must join programs in each relevant region.

Electro-Federation Canada's Electrical Equipment Manufacturers Association of Canada (EEMAC) council has been involved in the design and development of stewardship programs for several provinces, namely in British Columbia and Ontario for lamps, fixtures and batteries. Programs that members may wish to participate in include:

1.4.1 Product Care Association:

- [British Columbia](#): programs for lamps, flammable liquids, paint, pesticides and waste gasoline
- [Saskatchewan](#): program for paint
- [Manitoba](#): program for paint specified Household Hazardous Waste (HHW) to be launched April 1, 2011
- [Nova Scotia](#): program for paint
- [New Brunswick](#): program for paint

1.4.2 Stewardship Ontario

- [Ontario](#): programs for lamps, batteries and HHW

Many provinces and program managers have already begun communication efforts to businesses in their region. If you are a producer, you may have already received a letter from a program manager in your region, informing you of your responsibilities. If you have any questions, please refer to the links in Section 3.2 to all provincial regulatory Websites.

SECTION 2:
ELECTRICAL PRODUCTS IMPACTED BY
EPR REGULATIONS

2.1 LAMPS AND FIXTURES

Lamps impacted: Fluorescent Tubes, Compact Fluorescent Lamps (CFLs) and High Intensity Discharge (HID) lamps. (Note: each province regulates which type(s) of lamps are affected in their jurisdiction).

Call to Action: All mercury-containing lamps produced and sold in Canada will be subject to provincial regulations that require proper post-consumer use disposal, for which producers are responsible. In other words, producers of mercury-containing lamps are charged with collecting, processing, and reclaiming their products when disposed or no longer useful.

Of the provinces, British Columbia and Ontario have introduced EPR regulations targeting end-of-life mercury-containing lamps. In British Columbia, lamps are designated under the *Recycling Regulation*, and in Ontario lamps are designated as Municipal Hazardous or Special Waste. Quebec will soon adopt its regulation to define EPR and target mercury-containing lamps.

The forthcoming pages provide an overview of each province's regulation for lamps.

2.1.1 BRITISH COLUMBIA

The “LightRecycle” stewardship program for residential-use fluorescent lamps has been developed by Product Care Association. Electro-Federation Canada’s Electrical Equipment Manufacturers Association of Canada (EEMAC) retained Product Care to develop and manage the program in British Columbia³. The program was launched on July 1, 2010 and proposes actions and targets for five years through to June 30, 2015.

Producer Responsibility

All producers who sell fluorescent lamps for residential use in British Columbia must belong to this program, or another of its kind. Producers are required to pay a fee towards the program based on the number of units of program products sold in British Columbia after July 1, 2010. Quantities sold are to be reported online each reporting period.

The program is funded entirely by the eco fees remitted by Product Care's industry members. Eco fees vary according to the type or length of the light. The fee may be shown separately or may be included in the product price. The eco fee is taxable, as it is considered to be a part of the price of regulated products. While HST is remitted to the government, no part of the eco fee itself is given to the government.

Lamp type (sales for residential use)	Common size	Eco-fee per unit
Compact Fluorescent Lamps	CFL	\$0.25
Tubes measuring less than or equal to 2 feet	2 feet	\$0.20
Tubes measuring greater than 2 feet and up to or equal to 4 feet	4 feet	\$0.25
Tubes measuring greater than 4 feet	8 feet	\$0.40

Note: tubes include linear, U-shape and circ-line lamps and length is calculated for the length of the tube if straightened.
Source: Product Care Association

³ EEMAC has made the same commitment for programs in Manitoba and Quebec.

In addition to producer responsibility, this program also promotes the various collection depots, many of which are at retail locations, which have been set up across B.C. for consumers to dispose of compact fluorescent lights and fluorescent tubes.



For more information and all updates, visit:

<http://www.productcare.org/lights>

2.1.2. ONTARIO

Stewardship Ontario has developed the Government-approved Consolidated Municipal Hazardous and Special Waste (MHSW) stewardship program. EEMAC participated on the Steering Committee and played a key role in defining objectives and plans for this program. This program was launched on July 1, 2010 and is run by Stewardship Ontario. As part of this program, consumers are provided with recycling depot locations for used compact fluorescent lights and fluorescent tubes (residential use).

Producer Responsibility

Commencing July 1, 2010, all stewards of the MHSW program are legally obligated under the Ontario Waste Diversion Act, 2002 (WDA) to register as a steward of the MHSW program – or another approved program. They are also expected to file quarterly reports of the quantities of Municipal Hazardous or Special Materials (MHSM) sold or distributed in Ontario, and to pay fees on these materials⁴. Stewards are obligated to report and pay fees for each quarter. To view a table identifying the quarters covered under this regulation, visit:

http://www.stewardshipontario.ca/sites/default/files/2010_2011_cmhsw_rules_payment%26reporting_timetables.pdf

⁴ Fees suspended until October 2010.

Product Description and Fee Rates - Ontario

Fluorescents - Light Bulbs and Tubes						
Means a fluorescent lamp that is a low pressure mercury electric-discharge source in which a fluorescing coating transforms ultraviolet energy generated by the mercury discharge into visible light. Includes both fluorescents meant to be removed by the user and fluorescents embedded in electronics products.						
Divided into the following categories for reporting purposes:						
Fluorescents - User Removed						
Fluorescents – Embedded in designated EEE						
Notes	Sector(s) into which MHSM is supplied	Examples	Exclusions	Reporting Category	Unit of Measure	Fee rate
Fluorescents – User Removed						
Special waste	✓ Residential ✓ IC&I small quantity generators <i>(generating 5kg or less per month)</i>	Compact fluorescent light bulbs and fluorescent tubes for indoor and outdoor lighting fixtures and appliances.	Excluded from the program • Non-fluorescent light bulbs, such as incandescent, gas discharge, halogen or LED • Products supplied for use to large quantity IC&I generators	Tubes 2 feet or less	Number of Units Supplied	\$0.22/unit
				Tubes greater than 2 feet and less than or equal to 4 feet	Number of Units Supplied	\$0.45/unit
				Tubes greater than 4 feet	Number of Units Supplied	\$0.90/unit
				Compact Fluorescent (CFL)	Number of Units Supplied	\$0.14/unit
Fluorescents – Embedded in designated EEE						
Special waste	✓ Residential ✓ IC&I small quantity generators <i>(generating 5kg or less per month)</i>	Cold-cathode fluorescents lamps (CCFLs) used for backlighting in liquid crystal displays (LCDs) (e.g., monitors, portable computers, display devices, printing, copying, and multi-function devices.)	Stewardship Ontario has reached an agreement with the operators of the WEEE program for the management of fluorescent tubes embedded in electronics, which avoids the need for stewards to report or pay fees on this material to Stewardship Ontario.	Display devices less than or equal to 29 inches		
				Display devices greater than 29 inches		
				Portable computers		
				Printing, copying & multi function devices		

Source: Stewardship Ontario

For more information and all updates, visit www.stewardshipontario.ca/stewards/mhsw/program-plan.

2.1.3 MANITOBA

Program to be launched: April 1, 2011

Product Care, on behalf of EEMAC, has submitted a program plan to the government including a fluorescent lamp component which is based on the BC-approved “LightRecycle” stewardship plan and is awaiting approval.

Stay tuned to <http://www.productcare.org/Manitoba> for all program news and updates.

2.1.4 QUEBEC

Program to be launched: October 2011

The regulation is expected to be announced this fall.

For all program updates, visit <http://www.recyc-quebec.gouv.qc.ca/client/fr/accueil.asp>

2.1.5 IN SUMMARY: PROVINCIAL MATRIX – LAMPS

Stewardship Programs	BC	AB	SK	MB	ON	QC	NB	NS	PEI	NL
Fluorescent Lamps - Household	● July 2010 *	■	■	● April 2011	● July 2010	▲	■	■	■	■

(As at September 2010)

- Regulations currently in place
- ▲ Regulations drafted/expected in 2010
- Regulations not expected until 2011 or after

* In April 2012, *all* lamps, residential and commercial/industrial, will be regulated in BC.

FIXTURES

As of date, lighting fixtures are not included in any of the provincial regulations. In British Columbia, EPR regulations for fixtures are planned for launch in 2012. It is expected that other provinces will follow shortly thereafter.

2.2 BATTERIES

Batteries intended for consumer use are targeted by regulators because of the hazardous metals they contain, including cadmium and lead, and for their corrosive or reactive properties. All consumer, or residential, portable batteries are subject to the regulation whether they are rechargeable or not. Regulatory programs surrounding batteries widely varies in scope – Ontario includes industrial batteries, while British Columbia requires batteries used by specific classes of electrical equipment. Below, is a summary of regulations set by each province.

2.2.1 ONTARIO

Program launched:

- July 1, 2008 – single-use batteries
- July 1, 2010 – all consumer batteries

Stewardship Ontario has developed the Government-approved Consolidated Municipal Hazardous and Special Waste stewardship program. As part of this program, consumers are provided with recycling depot locations for used consumer-type batteries along with a number of other product categories. Producers are required to submit quarterly sales data for regulated batteries sold in Ontario.

For more information, visit www.stewardshipontario.ca/stewards/mhsw/program-plan.

2.2.2 BRITISH COLUMBIA

Program launched: July 1, 2010

The Rechargeable Battery Recycling Corporation of Canada, with the participation of EEMAC's Battery Section, has developed the Government-approved "Call2Recycle" stewardship program. Producers must submit quarterly sales reports for all regulated battery products sold in B.C. As part of this program, consumers are provided with recycling depot locations for used batteries (residential use only).

More information and updates can be found at:

www.call2recycle.ca/britishcolumbia.php?c=149&d=244&e=200&w=2&r=Y.

2.2.3 MANITOBA

Program to be launched: April 1, 2011

The Rechargeable Battery Recycling Corporation of Canada, with the participation of EEMAC's Battery Section, has submitted a program plan to the government based on the BC-approved "Call2Recycle" stewardship program and is awaiting approval.

2.2.4 QUEBEC

Program to be launched: October 2011

The batteries regulation is expected to be announced by the end of 2010.

2.2.5 PROVINCIAL MATRIX - BATTERIES

Stewardship Programs	BC	AB	SK	MB	ON	QC	NB	NS	PEI	NL
Household Batteries (Rechargeable & Non-rechargeable)	● July 2010	■	■	● April 2011	● July 2008 & 2010	▲	■	■	■	■

- Regulations currently in place
- ▲ Regulations drafted/expected in 2010
- Regulations not expected until 2011 or after

2.3 OTHER HAZARDOUS AND SPECIAL WASTE PRODUCTS

In addition to lamps, fixtures and batteries, distributors, in particular, may sell other regulated products such as:

- Paints and coatings
- Solvents such as thinners for paint, lacquer and contact cement, paint strippers and degreasers
- Oil filters
- Empty oil containers for products that contained lubricating oil
- Fertilizers including supplements and micro-nutrients
- Pesticides, herbicides, and fungicides

Each participating province, territory, and municipality has its own regulations and programs for disposing of other hazardous waste.

2.3.1 British Columbia

Product Care operates a product stewardship program in British Columbia, for [paint](#), [flammable liquids](#), [pesticides](#) and [waste gasoline](#). A program operated by the BC Used Oil Management Association (BCUOMA) manages used motor oil, filters and containers.

2.3.2 Ontario

The second phase of the consolidated Municipal Hazardous or Special Waste (MHSW) program was launched on July 1, 2010, with a further 13 material categories added to the program, bringing the total number of materials to 22. Stewardship Ontario has introduced [Rules for Stewards](#), which outlines each product type, examples, exclusions, and fee rates (see pages 8-29 in the linked report for full product listings).

Paint programs are also in operation in Alberta, Saskatchewan, New Brunswick, Nova Scotia and Quebec.

2.4 PACKAGING STEWARDSHIP

On October 29, 2009, the Canadian Council of Ministers of the Environment (CCME) approved, in principle, a Canada-wide strategy for Sustainable Packaging. The strategy sets out a number of complementary measures to support improvements in sustainability. The supporting measures are intended to increase awareness and information about packaging reduction and sustainable packaging choices, provide incentives for producers and consumers to make more sustainable choices, and support the development of better systems to optimally recover packaging materials.

CCME states: "packaging stewardship is a concept by which industry, governments and consumers assume greater responsibility for ensuring that the manufacture, use, reuse, recycling and disposal of packaging has a minimum impact on the environment."⁵

Each province is responsible for setting packaging regulations. To date, Manitoba, Ontario and Quebec have packaging stewardship programs in place. Saskatchewan has a program currently under development. Programs are expected to be developed in the remaining provinces to meet commitments made in the CCME Canada Wide Action Plan for Extended Producer Responsibility. Materials include, but are not limited to, glass, aluminum, steel, plastics, paper, paperboard and cardboard, and wood (particularly in the context of transport packaging, e.g., pallets). While current regulations centre on product packaging for residential/household products, regulations for products used in industrial, commercial and institutional sectors are quickly emerging.

For more information, visit http://www.ccme.ca/assets/pdf/sp_strategy.pdf.

⁵ <http://www.ec.gc.ca/epr/default.asp?lang=En&n=EFCE158A-1>

SECTION 3: CONCLUSION

3.1 BUSINESS OPPORTUNITIES

Extended Producer Responsibility is an important policy tool that has the potential to impact materials management systems and drive pollution prevention efforts.

With environmental issues becoming increasingly reflected in business decisions, companies must adhere to the policies in order to remain competitive and to be open to new markets and new opportunities. Businesses must look at the concept of preventing waste generation at source as an opportunity for improvement, a new stimulus for product innovation, and long-term sustainable growth. It is important to mention that many companies in our industry have already launched their own innovative environmental programs on such key themes as energy efficiency, environmental sustainability, and consumer safety.

3.1.1 Design for the Environment

Design for environment, or eco-design, is also a key component of EPR stewardship, as it recognizes that environmental impacts must be considered during the new product design process, along with all of the usual design criteria. It is defined as systemic consideration of design performance with respect to environmental, health, and safety objectives over the full product life cycle, all of which encourage more efficient and competitive manufacturing.

3.1.2 Collaboration

Collaboration, joint research, and participation in industry consortiums to shape policies for recycling, energy consumption, and climate change are tremendous opportunities that every business in our industry needs to act on now. Several member companies have been very instrumental in leading collaborative efforts for legislative change. In fact, many of the provincial policies surrounding EPR for electrical products as well as consumer goods (appliance, electronics) have been shaped by members of Electro-Federation Canada.

Get involved! Now is the time to integrate environmental sustainability into your business practices and product offerings. There has also never been a better time to keep current on legislative policies that impact our industry. Connect with EFC and help shape the electrical industry. To find out how your company can get involved to affect change, contact Wayne Edwards, EEMAC at wedwards@electrofed.com.

3.2 RESOURCES

1. Canadian Council of Ministers of the Environment

http://www.ccme.ca/ourwork/waste.html?category_id=128

2. Product Care

<http://www.productcare.org>

Ministries of the Environment Websites:

3. Quebec

http://www.mddep.gouv.qc.ca/ministere/inter_en.htm

EPR Outline:

www.mddep.gouv.qc.ca/matieres/valorisation/0803-REP_en.pdf

4. British Columbia

<http://www.env.gov.bc.ca/epd/recycling/history/index.htm>

5. Ontario

<http://www.ene.gov.on.ca/en/business/index.php> and

<http://www.wdo.ca/>

6. Manitoba

<http://www.gov.mb.ca/conservation/pollutionprevention/index.html>

7. Alberta

<http://environment.alberta.ca/02639.html>

8. Saskatchewan

<http://www.environment.gov.sk.ca/>

9. Nova Scotia

<http://www.gov.ns.ca/nse/waste/>

10. Newfoundland & Labrador

<http://www.env.gov.nl.ca/env/>

About S&D Council

The Supply & Distribution (S&D) Council is a division of Electro-Federation Canada, which brings together over 150 manufacturers, distributors and manufacturers' representatives of electrical equipment in Canada. S&D is unique in that it brings together these three players into *one joint group*. The council provides industry research, networking and education to members to provide market intelligence and industry connections.

About EEMAC

The Electrical Equipment Manufacturers Association of Canada (EEMAC) is another important division of Electro-Federation Canada, which represents over 100 companies involved in the manufacturing and sale of electrical products, systems, and components in Canada. EEMAC is organized into electrical product sections, allowing each member company to participate in areas specific to their product. EEMAC's product sections include: Wire and Cable, Industrial Control, Transformers, Motor and Generator, Lighting, Wiring Supplies, Distribution Equipment, Battery, 24/7 Service Providers, and others. EEMAC also provides members with representation and advocacy with government agencies and regulatory bodies, and works actively in both the North American and international standards harmonization arenas to ensure members' interests are met.


About EFC


Electro-Federation Canada (EFC) is a national, not-for-profit industry association. Together, its five councils represent over 300 member companies that manufacture, distribute, and service electrical, electronics, and telecommunications products; contributing over \$50B to the Canadian economy and employing more than 130,000 workers in more than 1,400 facilities across Canada. EFC's Electrical Equipment Manufacturers Association of Canada (EEMAC) Council is the meeting place for over 100 companies involved in the manufacturing and sale of electrical products, systems, and components in Canada. Learn more at www.electrofed.com.



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