



Environment and
Climate Change Canada

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Canada



**Proposed amendments to the
Products Containing Mercury Regulations
Consultation Meeting with
Electro-Federation of Canada**

**Industrial Sectors, Chemicals, and Waste Directorate
Products Division
Chelsea Hotel – Toronto, Ontario
March 20, 2018**

Content



- ❖ Objectives and background
- ❖ Overview of the Regulations
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Objectives



- The objectives are to seek stakeholder feedback on proposed amendments to the *Products Containing Mercury Regulations*
 - Provide background and information on the key elements of the proposed amendments
 - Inform industry stakeholders of the proposed path forward and next steps
- * Comments on the Consultation document for the proposed amendments to the *Products Containing Mercury Regulations* are requested by **April 2, 2018**



Background



Mercury (Hg) is a transboundary pollutant of global concern:

- Hg is highly toxic: the amount in a typical thermometer could contaminate 11.5 million litres of water.
- Hg is a neurotoxin, which poses risks to human health and the environment.
- Hg can be converted into methylmercury, which is also persistent and bioaccumulative
- Hg is on the *list of Toxic Substances* found in Schedule 1 of the *Canadian Environmental Protection Act*



Background (cont'd)



- November 19, 2014: The *Products Containing Mercury Regulations* (the Regulations) were published
 - The Regulations came into force on November 8, 2015
- August 2017: The Minamata Convention on Mercury came into force
 - Aims to protect the environment and human health from human-caused emissions of mercury.
 - Canada signed the Convention in 2013 and ratified it in April 2017.
 - The deadline to meet the product limits under Minamata is 2020
- February 2018: Publication of a consultation document on the proposed amendments to the *Products Containing Mercury Regulations* to align with the Minamata Convention and other international initiatives
 - Comment period closes on April 2, 2018



Overview of the Regulations *(Sections 3)*



- The Regulations broadly prohibit the manufacture and import of products that contain mercury or any of its compounds.
- The prohibitions do not apply to:
 - Exempted products that meet the mercury content limits listed in the Schedule
 - Products that hold a permit issued under the Regulations
- The intent is to only allow essential products for which there is no viable alternative



Labelling requirements *(Sections 8-9)*



- Two distinct labelling requirements

Most exempted or permitted products are subject to these labelling requirements.

1) Labels

<p>Product contains mercury (Hg)</p> <p>Consult www.XXXXX.org or 1-800-XXX-XXXX for:</p> <ul style="list-style-type: none">• measures to be taken in case of breakage;• safe handling procedures; and• recycling and disposal options. <p>Dispose or recycle in accordance with applicable laws.</p>	<p>Ce produit contient du mercure (Hg)</p> <p>Consulter www.XXXXX.org ou 1-800-XXX-XXXX pour:</p> <ul style="list-style-type: none">• les mesures à prendre en cas de bris;• les procédures de manipulation sécuritaires; et• les options pour le recyclage et l'élimination. <p>Éliminez ou recyclez conformément aux lois applicables.</p>
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Labelling requirements *(cont'd)*



2) Hg symbol

- For certain lamps and other products:

Hg



Hg



Testing requirements *(Sections 10-11)*



- No requirement to test the mercury content of products in order to manufacture or import them into Canada
- Products must not exceed allowed mercury content limits, if applicable
- Testing method and laboratory requirements to determine mercury content in products are specified in the Regulations



Reporting requirements *(Sections 12-13)*



- Manufacturers and importers of exempted or permitted mercury-containing products are required to report to ECCC every 3rd calendar year.
 - First report was required by March 31, 2017 on 2016 data.
 - Next report due in 2020, on 2019 data.
 - Replacement parts are exempted from the reporting requirements.
- Report content:
 - Information respecting the importer or manufacturer
 - E.g. Name, civic and postal address, etc.
 - Information respecting the product
 - Common or generic name and its trade name;
 - Name of the product category as referred to in the Schedule or number of the permit issued;
 - Total quantity of mercury contained in the product
 - Total quantity manufactured or imported during the calendar year



Record keeping *(Sections 14-16)*



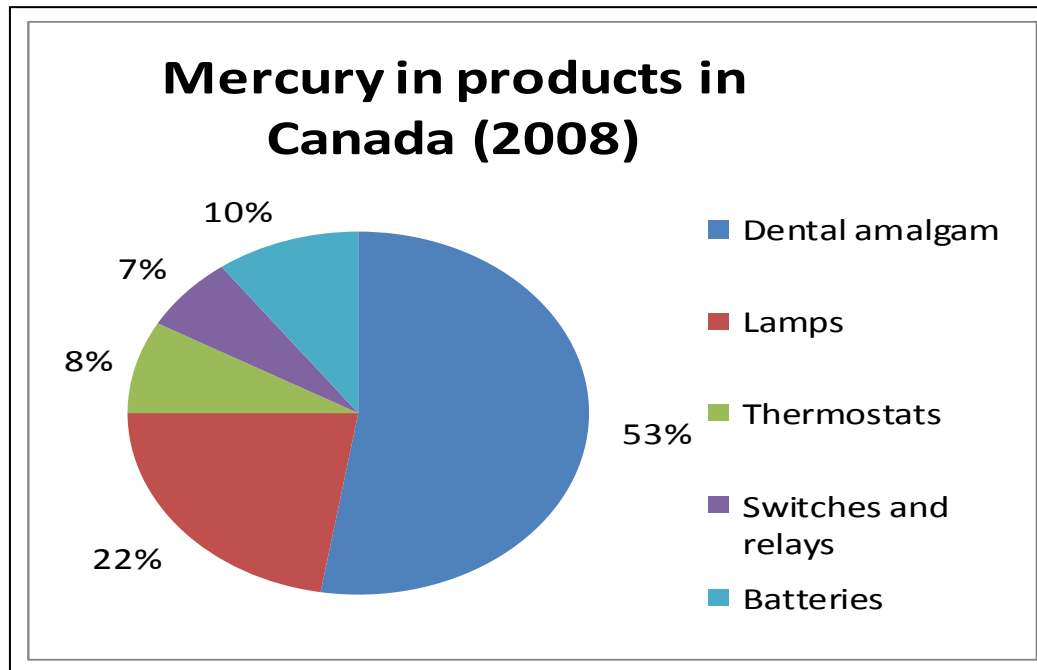
- For manufacturers and importers:
 - product name;
 - product category of the exemption or permit number;
 - mercury content, number of products manufactured or imported, date of manufacture or import;
 - Etc.
- Records must be kept for 5 years
 - at the principal place of business in Canada
- The purpose is for those subject to the Regulations to demonstrate their compliance. Records must be available to be shown to enforcement officers on request.



Changes in the Marketplace



- Since the entry into force of the Regulations, some products manufactured or imported to Canada do not contain mercury anymore:
 - Thermostats for general purposes
 - Batteries
 - Switches and relays

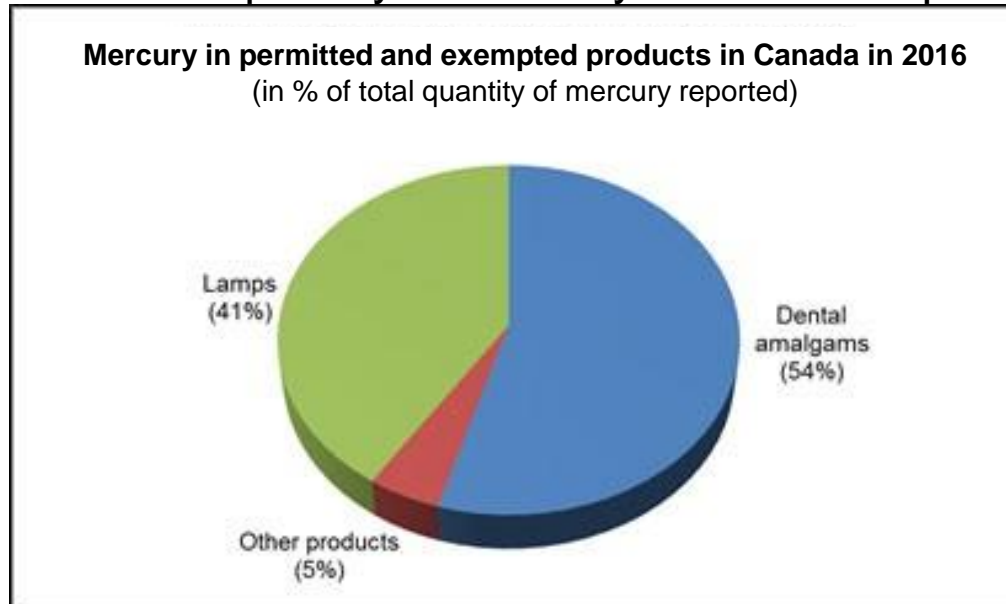


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Changes in the Marketplace

- The Regulations mandate reporting every three years. For the year 2016:
 - A total of 1.04 metric tons of mercury were contained in products imported and manufactured in Canada.
 - Dental amalgams and lamps accounted together for approximately 95% of the total quantity of mercury contained in products.



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Proposed amendments: Objectives



- The proposed amendments to the *Products Containing Mercury Regulations* aim to:
 - align with the Minamata Convention for mercury-containing products;
 - align further with other international initiatives;
 - clarify certain aspects of the Regulations; and
 - address some administrative issues.

- The following is a partial list of the proposed amendments. For the complete list, see the Consultation document.



Exempted products considered for potential phase-out



- No import or manufacture of products for the following eight (8) product categories listed in the Schedule of the Regulations were reported for 2016:
 - Item 5 – Induction fluorescent lamp for general lighting purposes
 - Item 10(b) – Cold cathode fluorescent lamp of more than 1.5 m in length
 - Item 11(b) – External electrode fluorescent lamp of more than 1.5 m in length
 - Item 13 – Electrode for use in cold cathode tubing for signage or cove lighting
 - Item 15 – Very high accuracy capacitance and loss measurement bridges and high frequency RF switches and relays in monitoring and control instruments
 - Item 20 – Scientific instrument used as reference for clinical validation studies
 - Item 22 – Radiation light detector
 - Item 32 – Medical device that is intended to remain in the body for at least 30 consecutive days
- Could these product categories be removed from the Schedule of the Regulations?



Straight Fluorescent Lamp



Straight fluorescent lamp (also known as LFLs) for general lighting purposes (Item 3 of the Schedule):

- To lower the mercury content limit of item 3(f) of the Schedule (T12, 8-foot, instant start, single pin base) from 15 mg to 10 mg per lamp.
- ECCC is also considering decreasing the current mercury content limit of item 3(e) of the Schedule (T12, 4-foot or less, rapid start, medium bi-pin base) to under 10 mg

Compact Fluorescent Lamps



Compact Fluorescent Lamps for general lighting purposes (items 2 (a) and 2 (b) of the Schedule):

- To lower the mercury content limit to:
 - 2.5 mg per lamp for lamps \leq 25 watts, and
 - 3.5 mg per lamp for lamps $>$ 25 watts.
- To add 2023 as an end date for the exemption considering availability of alternatives (e.g: LED) :
 - After this date, the import and manufacture would be prohibited.

Lamps (CCFL and EEFL)



- Cold cathode fluorescent lamps – 1.5 m or less in length
(Item 10(a) of the Schedule)
 - To lower the mercury content limit of item 10(a) from 10 mg to 3.5 mg per lamp.

- External electrode fluorescent lamps – 1.5 m or less in length
(Item 11(a) of the Schedule)
 - To lower the mercury content limit of item 11(a) from 5 mg to 3.5 mg per lamp.



Other elements to discuss

Labelling

- To clarify that the website found on the label has to be available in both official languages
- To evaluate the relevance of the Hg symbol labelling requirements for certain items of the Schedule
- To add a requirement to identify component(s) containing mercury on the label

Reporting

- To add the requirement of providing a Canadian address in the report
- To add the requirement of reporting the quantity of products exported and to maintain records



Soliciting reactions



1. Are any of your members still manufacturing/importing LFLs and CFLs?
2. Are they planning on stopping manufacture and import of LFLs and CFLs?
3. Will there be mercury-free substitutes available for LFLs in a near future? Would the identified substitutes be compatible with the existing fixtures?
4. Is the mercury content reduction proposed for LFLs to align with Minamata feasible for your members?
5. What reduction would be possible/feasible for item 3(e) of the Schedule (LFL T12, ≤ 4 foot)?



Soliciting reactions



6. Are lamps under item 3(e) of the Regulations halophosphate phosphor LFLs as defined under the Minamata Convention?
7. Should we change the wording used to describe straight fluorescent lamps in the Schedule (item 3) so that it matches the wording of the Minamata Convention (i.e. LFLs halophosphate phosphor or LFLs triband phosphor)? What about other lamps?
8. If we keep the same wording for straight fluorescent lamps, should we change the measurements to metric instead of imperial (feet), or use both?
9. Are there other amendments to the Regulations you would like to propose?
10. Do you have any suggestions to improve the reporting process?



Next Steps and Timelines



Steps	Projected Timeline
Publication of consultation document online	February 1, 2018
End of comment period	April 2, 2018
Publication in CG I	Fall 2018
Consultation period (75 days)	Fall 2018
Publication in CG II	Fall 2019



Submission of Comments



- The consultation document *Products Containing Mercury Regulations: proposed amendments* is available online:
 - <https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/products-mercury-regulations-proposed-amendments.html>

- Comments can be submitted:

By email:

ec.produits-products.ec@canada.ca

Subject line: “Consultation - Mercury products”

By mail:

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