NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

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| **1.** | **Notifying Member:** CANADA  **If applicable, name of local government involved (Article 3.2 and 7.2):** |
| **2.** | **Agency responsible:**  Department of the Environment and Department of Health  **Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above:**  Canada's Notification Authority and Enquiry Point  Technical Barriers and Regulations Division  Global Affairs Canada  111 Sussex Drive  Ottawa, Ontario, K1A 0G2  Canada  Telephone: 343-203-4273  Fax: 613-943-0346  E-mail: [enquirypoint@international.gc.ca](mailto:enquirypoint@international.gc.ca) |
| **3.** | **Notified under Article 2.9.2 [****X],** **2.10.1 [****],** **5.6.2 [****],** **5.7.1 [****], 3.2 [****], 7.2 [****],** **other****:** |
| **4.** | **Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable):** Environmental protection (ICS Code: 13.020) |
| **5.** | **Title, number of pages and language(s) of the notified document:** Proposed Prohibition of Certain Toxic Substances Regulations, 2022; (66 page(s), in English and French) |
| **6.** | **Description of content:** The proposed *Prohibition of Certain Toxic Substances Regulations, 2022* (the proposed Regulations) aim to reduce the risk of toxic substances entering the Canadian environment contributing to the protection of Canada's environment and wildlife.  The proposed Regulations would repeal and replace the *Prohibition of Certain Toxic Substances Regulations, 2012* (the current Regulations), which prohibit the manufacture, use, sale, offer for sale and import of certain toxic substances and products containing them, with a limited number of exemptions.  The proposed Regulations would further restrict the manufacture, use, sale and import of the following five substances, which are regulated under the current Regulations, by removing exemptions, by making most remaining exemptions time-limited or by imposing other conditions:  1) Perfluorooctane sulfonate (PFOS), its salts and its precursors;  2) Perfluorooctanoic acid, its salts, and its precursors (PFOA);  3) Long-chain perfluorocarboxylic acids, their salts, and their precursors (LC-PFCAs);  4) Hexabromocyclododecane (HBCD); and  5) Polybrominated diphenyl ethers (PBDEs).  The proposed Regulations would also include concentration limits for these five substances at or below which their presence would be considered incidental.  The proposed Regulations would also introduce restrictions on the manufacture, use, sale and import of:  6) Dechlorane Plus (DP) and  7) Decabromodiphenyl ethane (DBDPE).  The final screening assessments conducted in 2019 by Environment and Climate Change Canada concluded that DP and DBDPE are toxic to the environment under the *Canadian Environmental Protection Act, 1999*. Currently, there are no risk management instruments in place respecting preventive or control actions for DP in Canada, while there are only limited controls on DBDPE through the *New Substances Notifications Regulations (Chemicals and Polymers)*.  Specific exemptions, such as for parts used in the automotive, aerospace, and electrical and electronic sectors, are being proposed for DP and DBDPE. These exemptions take into account socio-economic factors, the demonstrated absence of suitable alternatives, and consideration of the international context and risks to the environment, and are time-limited in most cases.  It would be possible for manufacturers or importers of HBCD, DP or DBDPE, or products containing them, to apply for a permit to continue their activities for up to three years, provided certain conditions are met. The permit applicant would be required to demonstrate that there are no technically or economically feasible alternatives, that they have taken steps to minimize any harmful effects of the substance on the environment and human health, and that they have developed a plan to comply with the proposed Regulations within three years.  The proposed Regulations would not apply to a manufactured item that is in transit through Canada, from a place outside Canada transit to another place outside Canada.  The proposed Regulations also include administrative changes to simplify the regulatory text and to clarify the intent of certain sections of the current Regulations. |
| **7.** | **Objective and rationale, including the nature of urgent problems where applicable:** Protection of the environment |
| **8.** | **Relevant documents:**  *Canada Gazette*, Part I, 14 May 2022, Pages 2365-2430 <https://www.gazette.gc.ca/rp-pr/p1/2022/2022-05-14/pdf/g1-15620.pdf> (available in English and French) |
| **9.** | **Proposed date of adoption:** 2023  **Proposed date of entry into force:** These Regulations come into force six months after the day on which they are published in the Canada Gazette, Part II. |
| **10.** | **Final date for comments:** 28 July 2022; [75 days after the publication in CGI] |
| **11.** | **Texts available from: National enquiry point [****X]** **or address, telephone and fax numbers and email and website addresses, if available, of other body:**  The electronic version of the proposed regulations can be found at:  <https://www.gazette.gc.ca/rp-pr/p1/2022/2022-05-14/html/reg2-eng.html> <https://www.gazette.gc.ca/rp-pr/p1/2022/2022-05-14/html/reg2-fra.html> |