



Ottawa, July 7, 2014

Memorandum D10-15-23

Administrative Policy – Interpretation of “Noxious Atmosphere” for Gloves Under Tariff Items 3926.20.10 and 4015.19.10

In Brief

The editing revisions made in this memorandum do not affect or change any of the existing policies or procedures.

This memorandum outlines and explains the Canada Border Services Agency (CBSA)’s policy concerning the expression “noxious atmosphere” for gloves under tariff items 3926.20.10 and 4015.19.10.

Legislation

Tariff item 3926.20.10 reads, in part:

3926.20.10 - - - Protective suits and their accessories (including gloves), to be employed in a noxious atmosphere;

Tariff item 4015.19.10 reads:

4015.19.10 - - - Protective gloves to be employed with protective suits in a noxious atmosphere.

Guidelines and General Information

1. A “noxious atmosphere” is a gaseous environment that is clearly harmful to life. The subject tariff items provide for gloves that protect from a harmful gaseous environment that immediately surrounds the user wearing the gloves, when exposure to such an environment would pose a direct threat to the wearer’s health.
2. If a noxious atmosphere is considered to be sufficiently harmful to require the use of protective gloves, protective suits for the rest of the body would also be a prerequisite.
3. A noxious atmosphere may include suspended airborne particles as well as gases. Examples of noxious atmospheres are those where airborne asbestos particles, sulphur dioxide gas, or vaporized sulphuric acid are present. Other noxious atmospheres include radioactive atmospheres and air atmospheres within containment level 4 laboratories requiring one-piece positive-pressure-ventilated suits. For more information, please consult the [Laboratory Biosafety Guidelines](#) issued by Health Canada.
4. Therefore, gloves eligible under these two tariff items must be designed and constructed to be employed with protective suits. Articles of protective apparel, such as sleeves, an apron, or a mask are not considered to be parts of protective suits. **Excluded** are gloves solely used for handling solid or liquid materials (even when such materials are toxic), for protection from electrical shock, or for simple protection solely from staining or non-toxic dirtying materials. Similarly, gloves that merely provide protection solely against cuts, abrasions, high or cold temperature, blood, bodily fluids, and the like are also **excluded**. In this context, medical examination gloves are also **excluded**.
5. Importers and their agents may be requested to provide samples and literature, such as Material Safety Data Sheets (MSDS), and details of the nature of the noxious atmosphere in which the gloves will be employed. For example, the gloves are required to be used with protective suits for the body. In some cases there is clear proof, such as gloves used by firefighters.

6. The onus is placed upon the importer to fully clarify the features of the gloves classified under these tariff items and the specific environments (atmospheres) against which the gloves afford protection.

Additional Information

7. For certainty regarding the tariff classification of a product, importers may request an advance ruling. Details on how to make such a request are found in the CBSA [Memorandum D11-11-3, Advance Rulings for Tariff Classification](#).

8. For more information, within Canada call the Border Information Service at **1-800-461-9999**. From outside Canada call 204-983-3500 or 506-636-5064. Long distance charges will apply. Agents are available Monday to Friday (08:00 – 16:00 local time/except holidays). TTY is also available within Canada: **1-866-335-3237**.

| References | |
|--------------------------------|-----------------------------------------------------------------------------|
| Issuing Office | Trade and Anti-dumping Programs Directorate |
| Headquarters File | HS3926.20 and 4015.19 |
| Legislative References | Customs Tariff , tariff item 3926.20.10 and 4015.19.10 |
| Other References | D11-11-3 Laboratory Biosafety Guidelines |
| Superseded Memorandum D | D10-15-23 dated February 18, 2000 |