



Ottawa, February 20, 2009

MEMORANDUM D19-5-1

In Brief

ADMINISTRATION OF THE *HAZARDOUS PRODUCTS ACT* AND REGULATIONS

1. This memorandum has been updated to accurately reflect the Canada Border Services Agency's (CBSA) role in administering the provisions of the *Hazardous Products Act*.
2. Terminology has been updated to reflect changes in the CBSA's organizational structure.
3. A legislative reference section has been added to identify relevant sections of the *Customs Act*, *Canada Border Services Agency Act* and *Hazardous Products Act*.
4. The designated symbols and signal words in Appendix A have been removed and replaced with a list of Product Safety Offices.
5. The hazardous products list in Appendix B has been removed and replaced with designated hazard symbols.
6. Paragraph 9 has been updated to reflect the new time frames for detention of goods.
7. Paragraph 11 has been updated to include new information regarding responsibility for disposal of goods.
8. Information on the *Radiation Emitting Devices Act* and the *Cosmetic Regulations* has been added to paragraph 12.
9. The Contact Information section has been updated.





Ottawa, February 20, 2009

MEMORANDUM D19-5-1

ADMINISTRATION OF THE *HAZARDOUS PRODUCTS ACT* AND REGULATIONS

The Canada Border Services Agency (CBSA) assists Health Canada with the administration of the *Hazardous Products Act* and Regulations. This memorandum outlines procedures concerning the importation into Canada of goods that fall under this legislation and provides designated hazard symbols with which these goods must be marked.

Legislation

Customs Act

101. Goods that have been imported or are about to be exported may be detained by an officer until he is satisfied that the goods have been dealt with in accordance with this Act, and any other Act of Parliament that prohibits, controls or regulates the importation or exportation of goods, and any regulations made there under.

Canada Border Services Agency Act

5. (1) The Agency is responsible for providing integrated border services that support national security and public safety priorities and facilitate the free flow of persons and goods, including animals and plants, that meet all requirements under the program legislation, by

- (a) supporting the administration or enforcement, or both, as the case may be, of the program legislation;
- (b) implementing agreements between the Government of Canada or the Agency and a foreign state or a public body performing a function of government in a foreign state to carry out an activity, provide a service or administer a tax or program;
- (c) implementing agreements between the Government of Canada or the Agency and the government of a province or other public body performing a function of the Government in Canada to carry out an activity, provide a service or administer a tax or program;
- (d) implementing agreements or arrangements between the Agency and departments or agencies of the Government of Canada to carry out an activity, provide a service or administer a program; and
- (e) providing cooperation and support, including advice and information, to other departments and

agencies of the Government of Canada to assist them in developing, evaluating and implementing policies and decisions in relation to program legislation for which they have responsibility.

(2) The Agency may provide support, through the provision of services, to departments and agencies for which the Minister is responsible, in accordance with agreements or arrangements entered into with those departments and agencies.

Hazardous Products Act

4. (1) No person shall advertise, sell or import a prohibited product.

Restricted products

(2) No person shall advertise, sell or import a restricted product except as authorized by the regulations made under section 5.

28. (1) Every person who contravenes or fails to comply with any provision of this Act or of any regulation made under this Act

- (a) is guilty of an offence punishable on summary conviction and liable to a fine not exceeding one hundred thousand dollars or to imprisonment for a term not exceeding six months or to both; or
- (b) is guilty of an indictable offence and liable to a fine not exceeding one million dollars or to imprisonment for a term not exceeding two years or to both.

GUIDELINES AND GENERAL INFORMATION

Hazardous Products

1. Under the *Hazardous Products Act*, the importation into Canada, sale, or advertisement of hazardous products or substances is regulated and controlled by Health Canada. This legislation applies to commercial and personal importations as well as used goods. An up to date list of goods that fall under the *Hazardous Products Act* can be found on the Department of Justice Web site at www.laws.justice.gc.ca.

2. A hazardous product is defined as any prohibited or restricted product or substance that is included in Part I or Part II of Schedule I of the *Hazardous Products Act*, and any “controlled product”, defined by the hazard class(es) listed in Schedule II of the *Hazardous Products Act*.

Prohibited Goods

3. Part I of Schedule I of the *Hazardous Products Act* outlines those products or elements of products for specified end uses which are prohibited from importation, sale or advertisement in Canada. Some hazardous products listed in the prohibited goods section must undergo extensive testing and analysis before their admissibility into Canada can be determined. Importers/owners should contact one of the regional Health Canada Product Safety Offices shown in Appendix A to ensure that products purchased abroad will not be prohibited entry.

Restricted Goods

4. Part II of Schedule I of the *Hazardous Products Act* restricts the importation into Canada, sale or advertisement of products listed in that part of the schedule. Importation of these products or substances is subject to regulations that prescribe the circumstances and conditions under which these products may be imported into Canada for the purposes of sale or advertisement. The requirements for these products include mandatory labelling and performance standards. Failure to meet any of these requirements makes a product noncompliant and may be sufficient to recommend refusal of entry into Canada.

5. Regulations for consumer and industrial chemicals made pursuant to the *Hazardous Products Act* contain marking requirements which state that such products must display appropriate symbols that warn the user of the degree and nature of the hazard. The designated hazard symbols and warning terminology are contained in Appendix B to this memorandum.

Controlled Goods

6. A controlled good means any product, material or substance, specified by Part IV of the *Controlled Products Regulations*, that is included in any of the classes listed in Schedule II to the *Hazardous Products Act* (i.e., Class A – Compressed Gas; Class B – Flammable and Combustible Material; Class C – Oxidizing Material; Class D – Poisonous and Infectious Material; Class E – Corrosive Material; and Class F – Dangerously Reactive Material).

7. The importation/sale of controlled products for use in Canadian workplaces are regulated within a national framework known as the Workplace Hazardous Materials Information System (WHMIS). WHMIS requirements are described in more detail on the Health Canada’s WHMIS Web site at www.whmis.gc.ca.

Detention

8. Goods subject to the *Hazardous Products Act* and Regulations may be detained by the CBSA on behalf of Health Canada. Authority to detain such goods is contained in Section 101 of the *Customs Act*.

9. Imported goods suspected to be in contravention of the *Hazardous Products Act* and Regulations should be detained and the nearest Health Canada Product Safety Office contacted. Determination of admissibility into Canada of many goods thought to be hazardous products cannot be made until prescribed tests or analysis have been completed by Health Canada. However, the CBSA cannot detain goods indefinitely. Therefore, in cases where Health Canada is not able to make a decision regarding the admissibility of goods within 48 hours of detention, the goods are to be released in the normal manner and the appropriate Product Safety Office provided with the following customs information: importer name and address, product description, quantity and date of release. Health Canada will then initiate follow-up action with the importer directly.

10. This same process should be followed when Health Canada requests the CBSA to detain certain identified products or shipments and provide it with customs information regarding those products or shipments. Therefore, in cases where Health Canada has not provided the CBSA with specific instructions regarding the admissibility of the goods within 48 hours of detention, the goods are to be released in the normal manner. Health Canada will then initiate follow-up action with the importer directly.

Disposal

11. Where Health Canada advises CBSA that goods detained on their behalf are to be disposed of, Health Canada will make the appropriate arrangements for disposal and assume responsibility for any resulting costs.

Additional Requirements

12. Importers should also be aware of additional Health Canada requirements under the *Radiation Emitting Devices Act* and the *Cosmetic Regulations*. Specific information relating to radiation emitting devices and cosmetics may be found on the Health Canada Web site.

Contact Information

13. The CBSA’s Border Information Service (BIS) line responds to public inquiries related to import requirements of other government departments, including Health Canada. You can access BIS free of charge throughout Canada by calling **1-800-461-9999**. If you are calling from outside Canada, you can access BIS by calling 204-983-3500 or 506-636-5064 (long distance charges will apply). To

Speak directly to an agent, please call during regular business hours from Monday to Friday (except holidays), 8:00 a.m. to 4:00 p.m. local time.

14. Additional information regarding the CBSA's administration of these regulations may be obtained by contacting the Partnerships Division as shown below:

Partnerships Division
Admissibility Branch
5th Floor
150 Isabella Street
Ottawa ON K1A 0L8
Telephone: 613-954-1410
Fax: 613-946-1520

15. Any questions concerning the *Hazardous Products Act* should be directed to the nearest Health Canada Product Safety Office. Contact information is shown in Appendix A to this memorandum.

APPENDIX A**HEALTH CANADA PRODUCT SAFETY OFFICES****General**

Telephone (Toll-Free): **1-866-662-0666** (calls will be routed to the closest regional office)

National Capital Region Consumer Product Safety Office
Health Canada Product Safety Program
MacDonald Building
123 Slater Street, 4th floor
Ottawa ON K1A 0K9

Telephone: 613-952-1014
E-mail: CPS-SPC@hc-sc.gc.ca

Atlantic Region**Halifax, Nova Scotia**

Health Canada Regional Product Safety Office
Suite 1625
1505 Barrington Street
Halifax NS B3J 3Y6

Telephone: 902-426-8300
Fax: 902-426-6676
E-mail: Atlantic_ProdSafe@hc-sc.gc.ca

Moncton, New Brunswick

Health Canada Regional Product Safety Office
1st floor, 10 High Field Street
Moncton NB E1C 9V5

Telephone: 506-851-6638
Fax: 506-851-3197
E-mail: Atlantic_ProdSafe@hc-sc.gc.ca

Fredericton, New Brunswick

Health Canada
Regional Product Safety Office
1350 Regent Street, 3rd floor
P.O. Box 4000
Fredericton NB E2B 5P7

Telephone: 506-454-2405
Fax: 506-452-4178
E-mail: Atlantic_ProdSafe@hc-sc.gc.ca

St. John's, Newfoundland

Health Canada Regional Product Safety Office
10 Barbers Hill
John Cabot Building 3rd floor
St. John's NL A1C 6M1

Telephone: 709-772-4050
Fax: 709-772-5945
E-mail: Atlantic_ProdSafe@hc-sc.gc.ca

Quebec Region**Longueuil**

Health Canada Regional Product Safety Office
1001, rue Saint-Laurent West
Longueuil QC J4K 1C7

Telephone: 514-283-5488
Fax: 450-928-4066
E-mail: Quebec_Prod@hc-sc.gc.ca

Quebec

Health Canada Regional Product Safety Office
901 Cap Diamant
Local 266-1
Quebec QC G1K 4K1

Telephone: 418-648-4327
Fax: 418-649-6536
E-mail: Quebec_Prod@hc-sc.gc.ca

Ontario/Nunavut Region**Toronto**

Health Canada Regional Product Safety Office
2301 Midland Avenue
Toronto ON M1P 4R7

Telephone: 416-973-1748
Fax: 416-973-1746
E-mail: Tor_Prodsafe@hc-sc.gc.ca

Hamilton

Health Canada Regional Product Safety Office
55 Bay Street North, 9th floor
Hamilton ON L8R 3P7

Telephone: 905-572-2845
Fax: 905-572-4581
E-mail: Tor_Prodsafe@hc-sc.gc.ca

Manitoba/Saskatchewan Regions**Winnipeg**

Health Canada Regional Product Safety Office
510 Lagimodière Boulevard
Winnipeg MB R2J 3Y1

Telephone: 204-983-2846
204-983-5490 (Bilingual)
Fax: 204-984-0461
E-mail: Mb_ProdSafe@hc-sc.gc.ca

Saskatoon

Health Canada Regional Product Safety Office
101 – 22nd Street East, Room 412
Saskatoon SK S7K 0E1

Telephone: 306-975-4502
Fax: 306-975-6040
E-mail: Sk_Prodsafe@hc-sc.gc.ca

Alberta and Northwest Territories Regions**Calgary**

Health Canada Regional Product Safety Office
Room 282, Harry Hays Building
220 – 4th Avenue South East
Calgary AB T2G 4X3

Telephone: 403-292-4677
Fax: 403-292-4644
E-mail: Alberta_Prodsafe@hc-sc.gc.ca

Edmonton (use for Northwest Territories)

Health Canada Regional Product Safety Office
c/o Suite 730, Canada Place
9700 Jasper Avenue
Edmonton AB T5J 4C3

Telephone: 780-495-2626
Fax: 780-495-2624
E-mail: Alberta_Prodsafe@hc-sc.gc.ca










British Columbia and Yukon Regions





Health Canada Regional Product Safety Office
Suite 400
4595 Canada Way
Burnaby BC V5G 1J9

Telephone: 604-666-5003
Fax: 604-666-5988
E-mail: Bby_ProdSafe@hc-sc.gc.ca

APPENDIX B

DESIGNATED HAZARD SYMBOLS

Controlled Products Regulations Schedule II – Hazards Symbols Annexe II du Règlement sur les produits contrôlés – Signaux de danger	
Classes and Divisions Catégories et divisions	Hazard Symbols/Signaux de danger
Class A – Catégorie A Compressed Gas/Gaz comprimés	
Class B – Catégorie B Flammable and Combustible Material/Matières inflammables et combustibles	
Class C – Catégorie C Oxidizing Material/Matières comburantes	
Class D – Catégorie D Poisonous and infectious Material/Matières toxiques et infectieuses	  
Class E – Catégorie E Corrosive Material/Matières corrosives	
Class F – Catégorie F Dangerously Reactive Material/Matières dangereusement réactives	
<i>Controlled Products Regulations – Schedule III Label Border/ Annexe III du Règlement sur les produits contrôlés – Bordure de l'étiquette</i>	

<i>Consumer Chemical and Containers Regulations Hazard Symbols/ Règlement sur les produits chimiques et contenants de consommation – Pictogrammes de danger</i>	
Description/Description	Symbol/Pictogramme de danger
TOXIC/TOXIQUE	
CORROSIVE/CORROSIF	
FLAMMABLE/INFLAMMABLE	
EXPLOSIVE/EXPLOSIF	

REFERENCES

<p>ISSUING OFFICE – Environment and Trade Unit Partnerships Division Border Compliance and Programs Directorate Admissibility Branch</p>	<p>HEADQUARTERS FILE – 68470-1</p>
<p>LEGISLATIVE REFERENCES – <i>Canada Border Services Agency Act Section 5</i> <i>Customs Act Sections 101</i> <i>Hazardous Products Act Sections 4 and 28</i></p>	<p>OTHER REFERENCES –</p>
<p>SUPERSEDED MEMORANDA “D” – D19-5-1, August 29, 1995</p>	

Services provided by the Canada Border Services Agency are available in both official languages.

