

MEMORANDUM D10-15-23

Ottawa, February 18, 2000

SUBJECT

**ADMINISTRATIVE POLICY – INTERPRETATION OF “NOXIOUS ATMOSPHERE” FOR
GLOVES UNDER TARIFF ITEMS 3926.20.10 AND 4015.19.10**

This Memorandum outlines and explains the administrative policy concerning the expression “noxious atmosphere” for gloves under tariff items 3926.20.10 and 4015.19.10. This policy came into effect on December 9, 1999, and supersedes Customs Notice N-293, *Administrative Policy – Interpretation of “Noxious Atmosphere” for Gloves of Tariff Items 3926.20.10 and 4015.19.10*, as a consequence of the legislative amendment to tariff item 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 which 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. Others are radioactive atmospheres and air atmospheres within containment 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 those 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 for the handling of 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 which 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**.

Additional Information

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 for 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) that such gloves enable the wearer to withstand or afford protection against.

7. Additional information on this policy is available from:

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REFERENCES

ISSUING OFFICE –

Tariff Classification and International Nomenclature Division

LEGISLATIVE REFERENCES –

Customs Tariff, tariff item 3925.20.10 and 4015.19.10

Technical Amendments Order (*Customs Tariff*), 1999-3 JUS-601468, SOR/99-475

HEADQUARTERS FILE –

HS3926.20 and 4015.19

SUPERSEDED MEMORANDA “D” –

N/A

OTHER REFERENCES –

Customs Notice N-293

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