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What you need to know about the **PRODUCTS CONTAINING MERCURY REGULATIONS**

July 2015



Canada

Disclaimer: This document is provided for information purposes only. It does not cover all of the aspects of the *Products Containing Mercury Regulations*. In the case of discrepancy between this document and the Regulations, the official version of the Regulations prevails.

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General

1. What is mercury?

Mercury is a naturally occurring chemical element. It is considered a global contaminant because it is toxic, does not break down in the environment and can build up in living organisms. Mercury is primarily released as a result of human activities such as mining, smelting, the burning of coal, and product use and disposal. Once in the atmosphere, mercury can remain airborne for long periods and be deposited around the world.

Mercury and its compounds are part of a global cycle and contribute to the environmental loadings of more harmful forms of mercury. For example, some micro-organisms and natural processes can change mercury or one of its compounds in the environment from one form to another. Methyl mercury, which is formed in the environment from the methylation of inorganic mercury, is of particular concern since it can build up (bioaccumulate and biomagnify) in many edible fish (freshwater and saltwater) and in marine mammals to levels that are many times greater than those in the surrounding water.

In addition, mercury and its compounds tend to accumulate in polar regions, and concentrations measured in Canada's arctic lakes have increased two- to three-fold over the past century.

Mercury and its compounds are toxic substances listed on Schedule 1 of the *Canadian Environmental Protection Act, 1999* (CEPA 1999).

2. What are the Products Containing Mercury Regulations?

The *Products Containing Mercury Regulations* (the Regulations) were published on November 19, 2014, under the authority of CEPA 1999. This domestic action builds on Canada's international leadership and commitments to reduce mercury.

Once they come into force in November 2015, the Regulations will:

- Prohibit the manufacture and import of most products that contain mercury or any of its compounds into Canada;
- Exempt and set content limits on the maximum quantity of mercury in certain essential products listed in the Schedule of the Regulations;
- Require manufacturers and importers of exempted or permitted mercury containing products to report to Environment Canada every three years; and



- Require labelling of exempted or permitted mercury-containing products so that consumers are aware of the presence of mercury, safe handling procedures, measures to take in case of accidental breakage, and options for disposal and recycling.

Environment Canada administers and enforces the Regulations. Canadian actions regarding mercury in products will contribute to global efforts to reduce worldwide mercury pollution and its associated impacts. These actions will reduce the quantity of mercury accumulating in Canada's environment, which will result in corresponding benefits for Canadians.

3. Where are the Regulations available?

The *Products Containing Mercury Regulations* and related guidance documents are available at Environment Canada's CEPA Registry (<http://ec.gc.ca/lcpe-cepa/eng/regulations/detailReg.cfm?intReg=203>).

Further information can also be obtained by contacting Environment Canada at 819-938-4483/1-800-391-3426 or products.produits@ec.gc.ca.

Compliance information

1. Application

1.1. To whom do the Regulations apply?

The Regulations apply to persons **importing or manufacturing** mercury-containing products, whether these products are on their own (e.g., mercury-containing switches) or as a component of a product (e.g., appliances).

For further details, please refer to section 3 of the Regulations.

1.2. To what products do the Regulations apply?

The Regulations take the approach of broadly prohibiting mercury-containing products, while providing certain exemptions for mercury-containing products that are essential to Canadians and that currently do not have technically or economically viable alternatives. In the case of lamps, such as light bulbs, rather than introducing a prohibition, the Regulations will limit the amount of mercury contained in fluorescent and other types of lamps.

It is important to note, however, that since the Regulations prohibit all mercury-containing products (unless they have been exempted by or excluded from the Regulations), an exhaustive list of all prohibited mercury-containing products cannot be provided. Some examples of prohibited mercury-containing products are listed below:

- Thermostats;
- Fever thermometers;
- Weather thermometers;
- Switches and relays;
- Measuring devices such as:
 - Sphygmomanometers (i.e., blood pressure cuffs);
 - Psychrometers/hygrometers;
 - Barometers;
 - Hydrometers;
 - Manometers;
 - Flame sensors;



- Flow meters;
- Pyrometers;
- Tire balancing products;
- Novelty products; etc.

Some examples of exempted products are provided in the list below. Please note, however, that this list is not exhaustive and that the **Schedule 1 of the Regulations should be consulted for exact wording, mercury content limits and end dates for exemptions.**

- Dental amalgam;
- Compact fluorescent lamps;
- Straight fluorescent tubes;
- Automobile headlamps;
- Neon signs;
- Certain medical applications such as implantable medical devices and in-vitro diagnostic assays and reagents;
- Certain scientific and research applications such as thermometers and analytical standards;
- Replacement parts; etc.

For further details, please refer to sections 1, 3 and the Schedule of the Regulations.

1.3. To what products do the Regulations not apply?

The Regulations do not apply to wastes or products at the end of their useful life that are intended to be recycled, and to on-road vehicles as defined in subsection 1(1) of the *On-Road Vehicle and Engine Emission Regulations* that are of the 2016 model year or older.

Furthermore, the Regulations do not apply to mercury-containing products where the risk from mercury is managed through other federal instruments or authority. Such is the case of:

- Food;
- Drugs;
- Cosmetics;
- Surface coating materials;

- Pest control products;
- Feeds;
- Fertilizers;
- Explosives; and
- Ammunition and explosives under the direction or control of the Minister of National Defence.

Also, the Regulations do not apply to ores, concentrates and by-products of metallurgic operations because mercury is not deliberately added.

For a complete list of exclusions, please refer to section 2 of the Regulations.

1.4. When is a product considered to be mercury-free?

The Regulations include numerical thresholds at or below which products will be considered to be “mercury-free.” Specifically, if mercury is present in a product (other than a battery) at a concentration of less than or equal to 0.1% by weight in homogeneous material, the requirements of the Regulations do not apply, as it would be considered mercury-free. In the case of batteries, the maximum mercury concentration that would be considered as mercury-free will be 0.0005% by weight in homogeneous material (this maximum concentration does not apply to button cell batteries until January 1, 2016).

See section 2 of the Regulations for details on the above-mentioned thresholds for certain products.

For guidance purposes, the definition of “homogeneous material” used in the European Union Directive on the restriction of the use of certain hazardous substances in electrical and electronic products could be used: “one material of uniform composition throughout, or a material, consisting of a combination of materials, that cannot be disjointed or separated into different materials by mechanical actions such as unscrewing, cutting, crushing, grinding and abrasive processes”.

2. Main requirements

2.1. What are the main requirements of the Regulations?

The Regulations prohibit the import and manufacture of all products that contain mercury or any of its compounds, with some exemptions for essential products that have no technically or economically viable alternatives.

The Regulations set requirements for importers and manufacturers of exempted or permitted mercury-containing products, including:

- Content limits;

- Labelling of products; and
- Reporting and record keeping.

Each of these elements is explained in more detail below.

End dates for certain exempted products are specified in the Schedule of the Regulations.

2.2. Are there mercury content limits?

Exempted products listed in the Schedule of the Regulations must respect the maximum total quantity of mercury (i.e., content limit) set for these products, if applicable.

2.3. Do products need to be tested before they can be imported into or manufactured in Canada?

Regulated parties do not have to test products listed in the Schedule of the Regulations in order to import or manufacture them. However, if a product is tested by Environment Canada as part of its market surveillance activities, the product must not exceed the applicable maximum total quantity of mercury or maximum mercury concentration indicated in the Regulations. Testing conducted by Environment Canada to verify compliance with the Regulations must be carried out by an accredited laboratory, as indicated in section 10 of the Regulations.

It is the responsibility of the importer and manufacturer to ensure that the products they import or manufacture are in compliance with the Regulations.

2.4. What are the testing requirements?

As indicated in paragraphs 10(a) and 10(b) of the Regulations, any determination of total quantity of mercury made for the purposes of the Regulations must be conducted by a laboratory that is accredited by a Canadian accrediting body under the International Organization for Standardization standard ISO/IEC 17025:2005 or by a laboratory that is accredited under the *Environment Quality Act*, R.S.Q., c. Q-2, as amended from time to time.

An internationally recognized method (IEC 62321) has been specified for determining the quantity of mercury in electrotechnical products.

The 2013 version of standard IEC 62321 is referenced in section 11 of the Regulations (IEC 62321-4:2013). When the standard is amended, the updated version must be used.

A list of laboratories accredited under the standard ISO/IEC 17025:2005, General requirements for the competence of testing and calibration laboratories, is available from the Standards Council of Canada (www.scc.ca/en/search/palcan).

Information on how to become an accredited laboratory under this standard is available from the Standards Council of Canada (www.scc.ca/en/accreditation/laboratories).

A list of laboratories accredited under the Quebec *Environment Quality Act* is available from the Government of Quebec (in French only: www.ceaeq.gouv.qc.ca/documents/publications/listes.htm).

Further information on Quebec's Accreditation Program for Analysis Laboratories is available from the Government of Quebec (www.ceaeq.gouv.qc.ca/accreditation/pala/index_en.htm).

2.5. What are the labelling requirements?

Mercury-containing products that are exempted or permitted under the Regulations are required to have the following statement in a readily visible location on the product and, if applicable, on the package:

Contains mercury / Contient du mercure

Other required labelling information includes:

- **Safe handling procedures and measures to take in case of accidental breakage.** This requirement may be met by providing the address of a website where that information is available or the contact information of a person who can provide that information.
- **Options for disposal and recycling.** This requirement may also be met by providing the address of a website where that information is available or the contact information of a person who can provide that information.
- **A statement that the product should be disposed of or recycled in accordance with the applicable laws.**

The information must be presented as follows:

- In both official languages;
- In characters that are in at least a 10-point font and with a height of at least 3 mm;
- Legible and indelible;
- Impressed, embossed or in a colour that contrasts with the label's background or the colour of the product;
- Easily distinguishable;
- Enclosed by a border;

For more details on labelling requirements, refer to section 8 of the Regulations.

2.5.1. *What if the product is too small to accommodate the required labelling information?*

If the product is too small to accommodate the required information, labelling information must be:

- In a readily visible location on the product's package; or
- In a notice attached to the product or in a manual that accompanies the product if there is no package or if the package is too small to accommodate the required information;
 - In the case of a notice, in both official languages; and
 - In the case of a manual, it must be in English, French or both official languages, as requested by the first retail purchaser.

Refer to subsection 8(3) of the Regulations for further details.

2.5.2. *What if mercury is contained in a component of another product?*

If the mercury is contained in a component of a product, the information must be indicated:

- In a readily visible location on the product; or
- In a notice attached to the product or in a manual that accompanies the product;
 - In the case of a notice, in both official languages; and
 - In the case of a manual, it must be in English, French or both official languages, as requested by the first retail purchaser.
- The notice or manual may provide the address of a website where the relevant information is available.

Refer to subsection 8(4) of the Regulations for further details.

2.6. *Should the Hg symbol be indicated on my product?*

- Hg is the chemical symbol for mercury, and it is used to indicate the presence of mercury in certain products.
- If your product belongs to a product category referred to in items 2 to 14, 22 or 23 of the Schedule of the Regulations, then Hg symbol labelling requirements apply.
- The Hg symbol must be in characters that are in at least a 10-point font and with a height of at least 3 mm, or within a pictogram of at least 7 mm in height (see examples below for guidance purposes).



Hg

2.6.1. Where on the product should the Hg symbol be located?

- For mercury-containing lamps listed in items 2 to 9, 12 to 14 and for items 22 and 23 of the Schedule of the Regulations, the Hg symbol should be located in a readily visible location on the product.
- For mercury-containing lamps listed in items 10 and 11 of the Schedule (cold cathode fluorescent lamps and external electrode fluorescent lamps), the Hg symbol could go on an external surface of the product containing the lamp as a component.

Refer to section 9 of the Regulations for further details on Hg symbol labelling requirements.

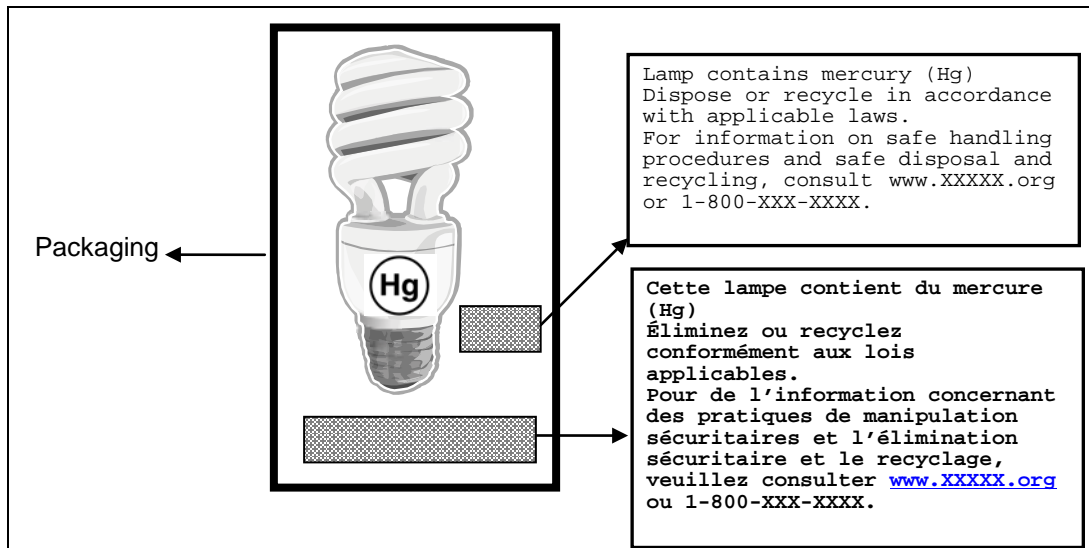
2.6.2. Do you have examples of labelling in products?

The following examples are provided for guidance purposes only.

Labelling examples for lamps such as compact fluorescent lamps (CFLs)

- 1) For this example, it is assumed that a CFL is too small to accommodate all the required labelling information. Therefore, the information is placed on the package (see paragraph 8(3)(a) of the Regulations). The Hg symbol must be on the CFL itself (see paragraph 9(1)(a) of the Regulations).

Figure 1. Illustration of labelling for a CFL



Labelling examples for products with a mercury component

- 1) In this example, it is assumed that an automobile has mercury-containing headlamps. Since the headlamps are components of the vehicle, and the car is not packaged, the required labelling information could go in a notice or manual (see paragraph 8(3)(b) of the Regulations).

Note: Under the Regulations, labelling is not required on products manufactured in Canada for export or on replacement parts (see subsection 8(5) of the Regulations).

Figure 2. Illustration of labelling for an automobile with mercury-containing headlamps

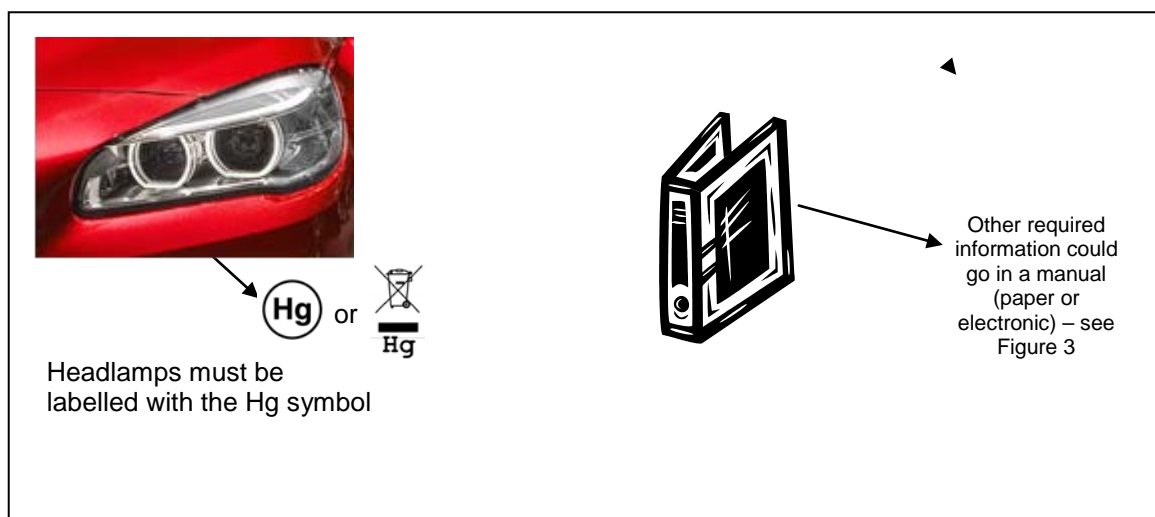


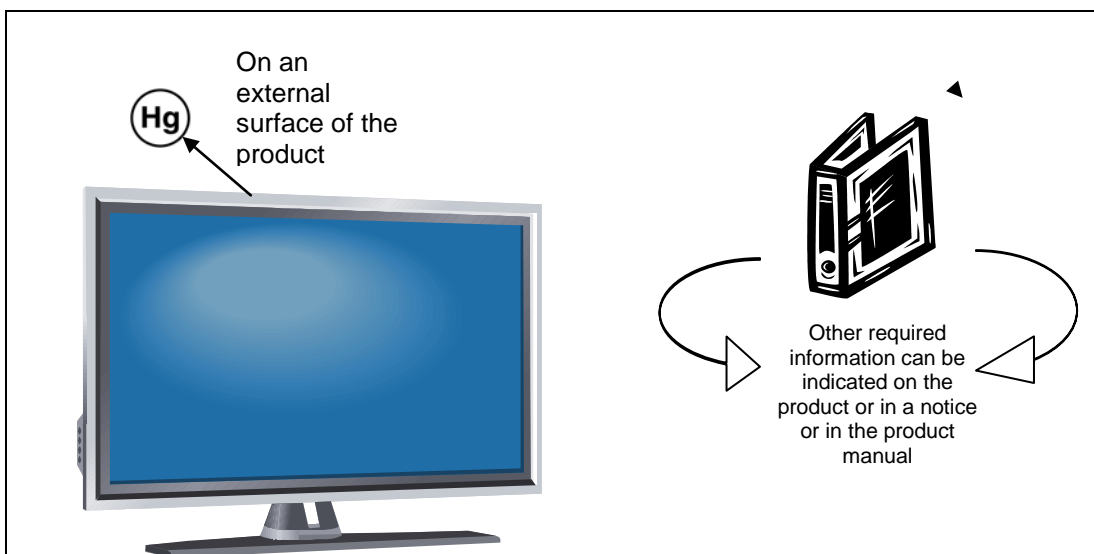
Figure 3. Sample information to be provided in manual

<p>Lamp 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>Cette lampe 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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2) In the example illustrated in Figure 4, it is assumed that a computer screen uses mercury-containing cold cathode fluorescent lamps. Refer to subsection 8(4) of the Regulations for details.

For cold cathode fluorescent lamps, the Hg symbol must be placed on an external surface of the product containing the lamp as a component. For example, the Hg symbol could be placed on the plastic housing/casing surrounding the screen, or on the data plate that typically contains other similar markings. Refer to paragraph 9(1)(b) of the Regulations.

Figure 4. Illustration of proper labelling for a computer screen containing a cold cathode fluorescent lamp



2.7. Reporting and record keeping

2.7.1. Do I have to report to Environment Canada?

Manufacturers and importers of exempted or permitted mercury-containing products are required to report to Environment Canada (see section 12 of the Regulations).

Manufacturers will not have to report if they are making a product with a mercury-containing component that has already been reported on by the importer. The purpose of this provision is to ensure that mercury entering the Canadian marketplace is **only reported once**.

Importers will always have to report.

2.7.2. When do I have to report?

A first report is to be submitted by March 31, 2017, on 2016 data. Subsequent reports will be required every three years.

This triennial reporting frequency is the same as that used in the United States under the Interstate Mercury Education and Reduction Clearinghouse (IMERC) Mercury-Added Product Reporting System.

Report due date	Data year reported on
March 31, 2017	2016
March 31, 2020	2019
March 31, 2023	2022
March 31 of every third year thereafter	Every third year thereafter

2.7.3. What should I report on?

Reporting information will be required on:

- The person or company who manufactured or imported the product(s), including their name and contact information;
- The product, including its name, the product category of the exemption, or permit number mercury content, and the quantity manufactured or imported.

Refer to subsection 12(2) of the Regulations for details on the information required to be reported on.

2.7.4. Can I submit my report online?

Environment Canada intends to develop an online reporting system. Once the system is ready, additional guidance material will be developed.

However, as stated in subsection 13(2), if the Minister has not specified an electronic form and format or if it is not feasible to send the information electronically because of circumstances beyond the person's control, the information must be sent on paper in the form and format specified by the Minister and signed by the person or a duly authorized representative. If no form and format have been specified, the information may be sent in any form and format.

2.8. Record-keeping requirements

2.8.1. What are the record-keeping requirements?

Compliance with the Regulations is best demonstrated through record keeping. The Regulations specify the information that should be available for inspection, depending on whether you are a manufacturer or an importer. Refer to section 12 for details.

Information to prove that the mercury content of exempted products is at or below the content limits would also assist in demonstrating compliance. This could include factory dosage information, company engineering specifications, quality assurance and control procedures used during product manufacturing, and testing results from an accredited laboratory.

2.9. Permits

2.9.1. Can I request a permit to manufacture or import a mercury-containing product?

Yes. Environment Canada recognizes that mercury is a unique substance necessary in certain applications that have environmental or health benefits. Permits could be issued for exceptional applications and according to specific criteria set out in the Regulations. For further details on the permitting scheme, please refer to sections 4, 5 and 6 of the Regulations.

2.9.2. How do I apply for a permit?

The permit application should be submitted by the person who will import or manufacture the product. Globally based parent companies may assist importers in preparing the permit application. However, the permit application must come from the importer or manufacturer conducting activities in Canada.

To assist permit applicants, Environment Canada has prepared an example of a permit application that could be used (see Appendix 1).

Permit applications are to be submitted to the Minister of the Environment, and the permit may be granted provided that the applicant:

- Provides evidence to demonstrate that, at the time of the application, there are no technically or economically feasible alternatives or a substitute for the product that
 - achieve a similar result as would be achieved by using the product containing mercury; and
 - have a less harmful effect on the environment or on human health than the product containing mercury;
- Prepares a plan identifying the measures that will be taken to minimize or eliminate any harmful effects that the mercury contained in the product has or may have on the environment and human health, including measures to ensure that
 - the mercury is handled safely;
 - the mercury is not released into the environment during normal use of the product; and
 - the mercury is not released into the environment during recycling or disposal of the product.
- Provides a statement that the plan will be fully implemented within 30 days after the permit is issued.

Refer to section 4 of the Regulations for details on permits.

2.9.3. How long could it take to process a permit application?

Environment Canada's service standard for responding to permit applications is 90 days from the day the application is received, provided that all the required documentation is submitted.

Permit applicants will receive a letter from Environment Canada notifying them of the result of their permit application. If a permit is issued, the letter will indicate the start and end date of the permit. It will also indicate the permit number. If the permit is not issued, the letter will indicate the grounds for the refusal.

2.9.4. Will the permit expire?

As per subsection 5(3) of the Regulations, any permit granted will be valid for 3 years after the day on which it is issued. In order to have the permit renewed, the permit holder must submit a renewal application within the 90-day period prior to the expiry of the permit and must demonstrate that the permit conditions continue to be met.

3. Coming into force

As per section 17, the Regulations come into force on November 8, 2015, one year after the day on which they were registered.

4. Enforcement

Environment Canada's enforcement officers undertake regular inspections in order to verify compliance with the requirements of CEPA 1999 and its regulations. Investigations are also conducted when an enforcement officer has reasonable grounds to believe that a violation has occurred.

The choice of the enforcement action is based on principles founded in law and framed by the criteria assessment defined in the Compliance and Enforcement Policy for the *Canadian Environmental Protection Act, 1999*.

5. Additional information

For more information related to the Regulations, please contact the Products Division at Environment Canada:

Products Division
Environment Canada
351 St. Joseph Boulevard, 9th Floor
Gatineau QC K1A 0H3
Phone: 819-938-4483/1-888-391-3426 (information)
Fax: 819-938-4480/1-888-391-3695
Email: products.produits@ec.gc.ca

6. Appendices

Appendix 1: Sample permit application form

Note: This is not a mandatory form. It is intended to provide guidance.



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PRODUCTS CONTAINING MERCURY REGULATIONS

INFORMATION TO BE CONTAINED IN AN APPLICATION FOR A PERMIT

Is this a submission of additional information requested by the Minister?

☐ Yes ☐ No

If yes, complete parts 1, 5 and any other parts of this application where additional information was requested. Previously reported information that is unchanged need not be resubmitted.

Is this permit a renewal application? ☐ Yes ☐ No

If yes, indicate the number of the permit _____

For Environment Canada use

1. Applicant information

Name of applicant (e.g., corporation):

Telephone:

Civic and postal addresses:

Fax (if any):

Email (if any):

Name and title of duly authorized representative:

Telephone:

Civic and postal addresses:

Fax (if any):

Email (if any):

2. Information respecting the product for which the application is made

Common or generic name	Trade name (if any)	Total quantity of mercury in the product (mg)	Estimated quantity of products to be manufactured per calendar year (number)	Estimated quantity of products to be imported per calendar year (number)

- ☐ I am enclosing an identification and description of each known use of the product.

3. Declaration respecting the provision of information

- ☐ I am enclosing evidence that there are no technically or economically feasible alternatives to or substitute for the product that achieve a similar result as would be achieved by using the product containing mercury, and have a less harmful effect on the environment or on human health than the product containing mercury.
- ☐ I am enclosing a copy of the plan prepared identifying and describing the measures that will be taken by the applicant to minimize or eliminate any harmful effect that the mercury contained in the product has or may have on the environment and human health, including measures to ensure that the mercury is handled safely and is not released into the environment during the normal use of the product and at the end of its useful life.
- ☐ The plan will be fully implemented within 30 days after the day on which the permit is issued.

4. Civic and postal addresses of the location where information, supporting documents and the certification are kept

Civic and postal addresses:

5. I declare that the information in this application and in all enclosed documents is accurate and complete.

Date, place

Signature of applicant or duly authorized representative

Appendix 2: Definitions

✚ A **compact fluorescent lamp (CFL)** is a single-ended fluorescent lamp with a bent discharge tube of small diameter (10–16 mm) to form a very compact unit.

✚ A **straight fluorescent lamp for “general lighting purposes”** means a straight lamp, bulb or tube up to 50” in length that has a medium bi-pin or miniature bi-pin base, and that operates on an instant-start, rapid-start or programmed-start ballast, and that provides functional illumination for indoor residential, indoor commercial or outdoor use. A linear fluorescent lamp for general lighting purposes does not include any of the following specialty lighting products: appliance, black light, germicidal, bug, coloured, high output, plant light, reflector, shatter resistant, sign service or very high output fluorescent lamps.

When describing straight fluorescent lamps, the letter “T” refers to their “tubular” shape. The number following the “T” indicates its thickness or diameter in eighths of an inch.

- T12 = 12/8 of an inch in diameter (1.5 inches)
- T8 = 8/8 of an inch in diameter (1 inch)
- T5 = 5/8 of an inch in diameter (5/8 inch)

T5s are the most energy efficient, whereas T12 are the least efficient.

✚ A **lamp for “general lighting purposes”** means a lamp, bulb or tube that provides functional illumination for indoor residential, indoor commercial and outdoor use.

WWW.ec.gc.ca

Additional information can be obtained at:

Environment Canada

Inquiry Centre

10 Wellington Street, 23rd Floor

Gatineau QC K1A 0H3

Telephone: 1-800-668-6767 (in Canada only) or 819-997-2800

Fax: 819-994-1412

TTY: 819-994-0736

Email: enviroinfo@ec.gc.ca