



ENFORCEMENT IN QUEBEC

Fact Sheet

Export and Import of Hazardous Wastes

April 1999

Context and Background

For more than 10 years, the increase in volume of hazardous waste in circulation has triggered world-wide awareness followed by a common will to regulate the transboundary movement of such products.

The *Export and Import of Hazardous Wastes Regulations* were enacted in Canada in 1992, in the framework of Canada's international agreements (Basel Convention, Decision of the OECD, Canada-U.S.A. Agreement). Control of the international circulation of hazardous wastes is now viewed by the Canadian authorities as a top priority.

A Lengthy List of Hazardous Wastes

According to the *Canadian Environmental Protection Act* (CEPA), hazardous wastes are hazardous goods (as defined in the *Transportation of Dangerous Goods Regulation*) that are no longer used for their initial purpose, and are recyclable or intended for treatment or disposal. CEPA also includes certain other types of hazardous wastes.

Here are a few examples of products considered as hazardous waste: spent halogenated or nonhalogenated solvents, used electrical accumulators, biomedical wastes, industrial treatment sludge, spent corrosive liquid disinfectants, leachable toxic wastes, etc.

During the year 1997-1998, the quantity of hazardous wastes imported to Canada reached approximately 500,000 metric tonnes, while

around 250,000 tonnes were exported. Let us add that approximately half of the hazardous waste movements in Canada take place between Quebec and the United States.

In order to visualize the scope of the phenomenon, it suffices to imagine a line-up of 20,000 trucks crossing the border in a single year. Evidently, not all transboundary movements occur by road!

Federal Regulations

Enacted under CEPA, the *Export and Import of Hazardous Wastes Regulations* govern the transboundary movement of hazardous wastes intended for disposal and recycling.

In addition to the localization and control of hazardous waste shipments entering, leaving or in transit through Canada, these regulations ensure that the country of import has already consented to receiving the waste before shipment.

They also ensure that the countries receiving or shipping these substances are adequately informed. They allow rapid intervention in cases of accident during transport in an international zone, and, finally, target the person or legal entity that has generated the hazardous waste and ensures that it fully shoulders transportation of the shipment to its final destination.

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The Regulations in general

The *Export and Import of Hazardous Wastes Regulations* are divided into four parts:

- I. the notice, which constitutes a request for authorization to export or import hazardous wastes;
- II. the establishment of conditions for the transboundary movements of hazardous wastes intended for disposal, which renders mandatory to issue an exportation notice and obtain the written consentment of the country of import before any transboundary movement is undertaken;
- III. the standards to be observed regarding international movements for purposes of recycling hazardous wastes, which requires the implementation of a notification system and the written or tacit consentment of a country of import, based on the nature of the wastes;
- IV. the conditions relative to other arrangements or to the return of the hazardous wastes, should the shipment not be carried through in accordance with the information provided in the notice.

Legal Measures in the Event of a Suspected Offence

When an inspector has reasonable grounds to believe that there has been a violation of the regulations or the Act, the inspector, guided by the *CEPA Enforcement and Compliance Policy*, may choose one or the other of the following legal measures:

- verbal or written warning;
- directive of the inspector;
- ministerial order;

- injunction;
- civil suit;
- criminal prosecution.

The selection of these measures depends on various criteria, namely the nature of the violation, the compliance record of the suspected offender, environmental impact, and consistency of enforcement.

Offences and Penalties

CEPA provides for penalties for anyone violating the regulations and the Act. Should the suspected offender be found guilty of violating the *Export and Import of Hazardous Wastes Regulations*, the maximum penalty is \$1,000,000 or 3 years of imprisonment, or both.

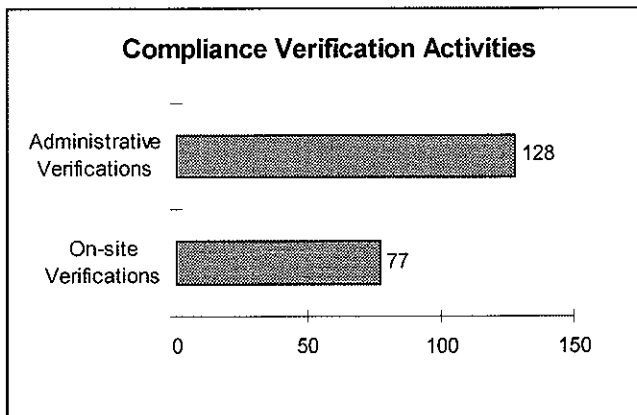
Verification of Compliance: Report for 1997-1998

In 1997-1998, the administrative verification of compliance with the requirements set out in the regulations represented, for the Quebec Region: approximately 4,000 notices, 50,000 copies of manifests, and 20,000 disposal or recycling certificates. Most of these verifications are conducted by the Transboundary Movement Division in Hull, responsible for referring problem cases to the regional inspectors.

Two special operations were conducted in Quebec during the year 1997-1998. These special operations consist in controlling, simultaneously in several customs offices, the entrance of hazardous wastes during a given period. Other operations, which consist in controlling one sole customs office at a time, were also conducted, in addition to the verification of the sites of export and import companies. The customs officers also notify Environment Canada inspectors at all times regarding suspected irregularities.

Results

In 1997-1998, the two special operations and other activities of the inspectors of the Quebec Region led to the administrative verification of 128 border movements, and to the on-site verification of 77 shipments of hazardous wastes.



The administrative verifications concerned 21 companies, while 23 other firms were the object of on-site verifications. Thus, a total of 205 verifications of compliance of the regulations were conducted.

Warnings

Warnings were delivered to certain companies in 1997-1998 for suspected violations. A warning is registered in the company's compliance record and requires to proceed at once with the corrections needed to ensure compliance. Failure to do so can lead to other legal measures being undertaken.

In 1997-1998, two warnings were issued to companies:

- for exporting hazardous wastes without having first completed the exportation notice;

- for importing hazardous wastes without having first completed the importation notice, and for having failed to observe the regulatory conditions regarding importation.

Shipments Rejected at the Borders

Operations at the customs offices in Quebec as well as response to calls of the customs officers lead to the following results:

- 52 shipments originating from the United States were rejected at the border for nonobservance of the regulatory conditions.

Investigations

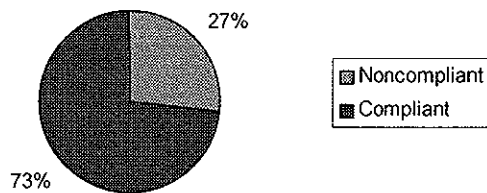
An investigation is undertaken when a suspected offence is of a serious nature, when potential environmental impact is great, or when there is negligence or repetition of an offence.

Three investigations are ongoing following cases of noncompliance with the *Export and Import of Hazardous Wastes Regulations* in 1997-1998. The results of these investigations will determine whether or not the companies involved will have to face legal proceedings.

Report

In 1997-1998, on the basis of the 205 inspections carried out in the Quebec Region, compliance was rated at 73%. However, the compliance rate must be interpreted with care, given that it is representative of a restricted sample of the total number of transboundary movements.

Export and Import of Hazardous Wastes Regulations - Compliance



According to the data of the Transboundary Movement Division, the number of exports of hazardous wastes has remained relatively stable over the years. Imports, however, are constantly on the increase.

Data also indicates that the number of countries exporting hazardous wastes to Canada is on the rise. This increase is attributable in part to the growing number of Canadian hazardous waste management industries.

Lastly, the *Export and Import of Hazardous Wastes Regulations* does not restrict the international movements of these wastes originating from or entering into Canada, but allows that these movements be conducted with the greatest respect for the environment.

FOR FURTHER INFORMATION

In order to make known federal regulation enforcement in Quebec, other fact sheets are available on the following subjects:

- Ozone-depleting Substances (ODSs)
- Polychlorinated Biphenyls (PCBs)
- The Pulp and Paper Sector

For further information on Environment Canada's activities, visit the Green Lane: <http://www.qc.ec.gc.ca> or contact the regional office of Environment Canada:

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You can also visit the Web site of the Transboundary Movement Division at the following address:
http://www.ec.gc.ca/tmd/tmdhp_f.htm

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