



Cross-border Movement of Hazardous Waste and Hazardous Recyclable Material Regulations, 2021: key changes

These regulations replace the following regulations:

- *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations*
- *PCB Waste Export Regulations, 1996*
- *Interprovincial Movement of Hazardous Waste Regulations*

This page lists the main changes stemming from the regulations and should not be considered as an exhaustive list.

Definition of hazardous waste and hazardous recyclable material

- For interprovincial movements, the definitions for hazardous waste (HW) and hazardous recyclable materials (HRM) are aligned with those for international movements
- Full application of the Toxicity Characteristic Leaching Procedure – waste or material does not have to meet size threshold for the test to apply
- Circuit boards and display devices and any equipment that contains them are now controlled; there are exclusions for such equipment shipped within the Organisation for Economic Co-operation and Development (OECD) and solely for recycling
- All international shipments and interprovincial shipments destined for disposal containing any amount of mercury are captured in the regulations
- Shipments of end of life mercury containing products with less than 50 ml of mercury, destined for recycling within Canada, are excluded
- All types of batteries (i.e. rechargeable and non-rechargeable) for imports and exports are included and there are exclusions for movement within Canada

- Batteries that are not dangerous goods shipped interprovincially for recycling are excluded
- The recycling operation R14 (now RC1) is modified to remove “use or re-use of a recyclable material”
- Exclusions for 5 kg/5L per shipment, mixed with municipal waste, and personal waste are maintained
- Added new exclusions for remains in a container that has been emptied and waste generated from normal operations of a ship
- HRM set out in Schedule 9 for movement is excluded if entirely within the OECD, and requires documentation showing that exports meets exclusion conditions
- The former R15 recycling operation will now be RC2
- The former R16 recycling operation will now be RC3

Introduction of a permit holder

The words “exporter” and “importer” are replaced with “permit holder” in the regulations.

The permit holder must be:

- An individual who:
 1. is a resident of Canada or a corporation that has an office in Canada, and either
 2. owns or operates the exporting or importing facility in Canada, or
 3. buys and sells HRM for recycling within the OECD
- A municipality or a government entity in Canada

The permit holder is responsible for ensuring that activities comply with the terms of the permit and the regulations.

Notification requirements

- No longer require the name of the insurance company and the policy number for the exporter, the importer and carriers with the notification
- Contract no longer has to be submitted with notification and will not be reviewed or validated by Environment and Climate Change Canada (ECCC)
- The applicant is required to provide a certified statement to the effect that valid insurance policies and contracts are in place
- A new notification is required for any changes in information
- UN numbers - if no UN number applies to the HW or HRM under the regulations, the abbreviation ‘N/A’ is to be used

Correspondence between schedules in the old and the new regulations

Old regulations	New regulations
Schedule 1 – Disposal operations for HW	Schedule 1 – Part 1 – Disposal operations
Schedule 2 – Recycling operations for HRM	Schedule 1 – Part 2 – Recycling operations
Schedule 3 – HW and HRM (HAZ codes)	Schedule 6 – HW and HRM (HAZ codes)
Schedule 4 (F and K codes) Part 1 – HW and HRM from Non-specific Sources Part 2 – HW and HRM from Specific Sources	Schedule 12 (F and K codes) Part 1 – HW and HRM from Non-specific Sources Part 2 – HW and HRM from Specific Sources
Schedule 5 – Environmentally Hazardous Substances	Schedule 7 – Environmentally Hazardous Substances (E codes)
Schedule 6 – Hazardous Constituents Controlled under Leachate Test and Regulated Limits (L codes)	Schedule 2 – Environmentally Hazardous Constituents (L codes)
Schedule 7 (P and U codes) Part 1 – Acute HW and HRM Chemicals Part 2 – Acute HW and HRM Chemicals	Schedule 8 (P and U codes) Part 1 – Acute HW and HRM Chemicals Part 2 – HW and HRM Chemicals
Schedule 8 – Excluded Materials	Schedule 9 – Excluded Materials
Schedule 9 – Movement Document	Schedule 4 – Movement Document for Movement Within Canada – Information required Schedule 10 – Movement Document for Imports, Exports and Transits – Information required
Schedule 10 – Persistent Organic Pollutants	Schedule 5 – Persistent Organic Pollutants
	<p>New:</p> <p>Schedule 3 – Notification for Import, Export and Transit Permits – Information required</p> <p>Schedule 11</p> <p>Part 1 – Reasons why waste or recyclable material is intended for disposal or recycling</p> <p>Part 2 – Generic types of potentially HW</p> <p>Part 3 – Constituents of potentially HW (C codes)</p> <p>Part 4 – List of hazardous characteristics (H codes)</p> <p>Part 5 – Activities that may generate potentially HW</p>

If 'N/A' is used for the UN number, 'N/A' must also be used for the class.

Packing groups related to the UN Number no longer have to be submitted with notification and will not be reviewed or validated by ECCC during the notification process.

The regulations set out the conditions for refusal, suspension or revocation of a permit. ECCC will provide written notification of a suspension and provide an opportunity for the permit holder to make representations to reinstate permit.

Requirements for international movement documents

- Changes were made to the movement document to focus on the necessary information
- A specific form is no longer prescribed, instead the regulations set out the specific information required
- The movement document does not need to physically accompany the shipment but parties must produce the movement document upon request
- It is the responsibility of the permit holder to ensure the movement document is completed by all parties:
 - Part A of the movement document is completed before the HW or HRM is shipped
 - Part B is completed by all carriers
 - Part C is completed by the receiving facility when shipment is delivered
- 'Delivered' means that the shipment has arrived at the facility regardless of whether the HW or HRM has been accepted or not
- Completed movement documents are provided to the Minister and to the authorities of the province where the shipping or receiving facility is located, if those authorities ask for it:
 - Part A is provided within three working days after the day on which the shipment is shipped and
 - Parts B and C are provided within three working days after the day on which the shipment is delivered
- The receiving (importing) facility is to pass on information regarding the origin of the HW or HRM being transferred to an authorized facility for final disposal or recycling
- Time periods for completing disposal and recycling operations begin upon delivery

Requirements for interprovincial movement documents

- The regulations maintains the same general requirements as the current movement document process
- ECCC would only issue the unique reference number that needs to be included in the movement document when it cannot be obtained from the province or territory
- Completed movement documents do not need to be provided to the Minister
- Completed movement documents to be provided to provincial authorities in province of origin and destination, if they ask for it
- No need to have a fixed address on the document for a shipping site - GPS coordinate can be used

Exports of PCB waste

- PCB waste in concentration greater than 50 mg/kg can be exported to any country provided a permit is obtained and all of the conditions are met
- Requirement to destroy PCBs is maintained

Return and re-routing

- A return of HW or HRM requires a new permit
- A permit can be issued for the return of a shipment of HW or HRM that was not originally imported or exported under a permit
- The return or re-routing of a partial shipment is allowed
- Must occur within 90 days or another agreed upon period of time
- A shipment cannot be returned until a valid return permit has been issued from the Minister
- A shipment cannot be re-routed until the permit holder receives confirmation from the Minister that new facility has been authorized
- A re-routed shipment must be disposed of or recycled by a final operation within one year

Record retention

- All documents to be retained for 5 years
- Includes notification, contracts, proof of insurance and any other document to show compliance (movement document, confirmation of disposal or recycling, etc.)
- Permit holders, and carriers that have a place of business in Canada to keep documents at their principal place of business in Canada

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