

Canadian Environmental Protection Act, 1999

INTERIM CEPA 1999 REGULATIONS AFFECTING HAZARDOUS WASTE MANIFESTS

Fact Sheet

Updated September 2002

Background

The manifest has been used in Canada as a means to track movements of hazardous wastes since 1985, when it was first required under the federal *Transportation of Dangerous Goods Regulations* (TDGR). In addition to being used in federal regulations for interprovincial and international movements of hazardous wastes, the use of a manifest is required by most Canadian provinces and territories to track intraprovincial movements of hazardous waste.

The manifest serves as an environmental control document to track the movements of hazardous wastes and hazardous recyclable materials from their point of origin to the site of disposal or recycling. The manifest can also function as a shipping document for the purpose of ensuring transport safety.

In March 2000, Environment Canada was given new responsibility to regulate interprovincial movements of hazardous wastes and hazardous recyclable materials with the coming into force of the *Canadian Environmental Protection Act, 1999* (CEPA 1999).

The new TDGR, which came into force on August 15, 2002, eliminates the provisions governing hazardous waste manifests. It should be noted that a hazardous waste manifest can still be used as a shipping document in compliance with these regulations.

Interim Regulations on Manifests

Environment Canada is currently preparing major amendments to the *Export and Import of Hazardous Wastes Regulations* (EIHWR), as well as developing comprehensive regulations to control and track interprovincial movements of hazardous wastes and hazardous recyclable materials. These regulations, however, were not yet ready when the manifest provisions were removed from the TDGR.

In order to avoid a regulatory gap and ensure continued tracking of international and interprovincial movements, two interim regulations were adopted. The *Regulations Amending the EIHWR* and the *Interprovincial Movement of Hazardous Wastes Regulations* (iMHWR) were published in the *Canada Gazette, Part II* on **August 15, 2002, and came into force the same day.**

Scope of the Regulations

The interim CEPA 1999 regulations are intended to preserve the current manifest system until comprehensive amendments can be made to the EIHWR and detailed regulations prepared on the interprovincial movement of hazardous wastes and recyclable materials.

The interim regulations add no new requirements for exports, imports, transit shipments and interprovincial movements of hazardous waste. Manifesting continues to be required for both hazardous wastes and hazardous recyclable materials.



It is important to note that the interim IMHWR applies solely to movements between provinces or territories, consistent with the definition of "movement within Canada" in CEPA, 1999. Intraprovincial/intraterritorial movements continue to be subject to the applicable provincial or territorial regulations.

In addition to directly incorporating the waste manifest, the *Regulations Amending the EIHWR*, which came into force on August 15, 2002, make minor changes to the list of hazardous wastes and hazardous recyclable materials subject to the regulations. With respect to classification, here are the most important points:

- **PIN Number:** "NA" Product Identification Numbers (PIN) are replaced by "UN" PIN numbers.
- **Gases:** Corrosive gases, formerly class 2.4, are included in Class 2.2 (non-flammable and non-toxic gases).
- **Class 9:** Class 9 is no longer broken down into subdivisions (9.1, 9.2 and 9.3 are combined into a single Class 9).
- **Marine Pollutants:** There is a new list of Marine Pollutants under Class 9. See subparagraph 2.43 (b)(ii) and Appendix 1 of Part 2 of the new TDGR for more information on this list.
- **Formerly Class 9.2:** The current list of environmentally hazardous substances is amended because some of these substances are now subject to the leachate test instead. See subparagraph 2.43 (b)(v) and Appendix 5 of Part 2 of the new TDGR for the updated list of environmentally hazardous substances.

- **Formerly Class 9.3:** A new leachate test (EPA Method 1311 - the Toxicity Characteristic Leaching Procedure, TCLP) replaces the Canadian General Standards Board (CGSB) test. An expanded list of parameters to test for is given in subparagraph 2.43 (b)(v) and in Appendix 4 of Part 2 of the new TDGR. Instead of NA9500, the PIN for these substances is replaced by UN3077 (solids) or UN3082 (liquids).

Copies of the *Regulations Amending the EIHWR* and the interim IMHWR are available on the CEPA, 1999 Registry web site at:

<http://www.ec.gc.ca/CEPARRegistry/default.cfm>
<http://www.ec.gc.ca/RegistreLCPE/default.cfm>

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