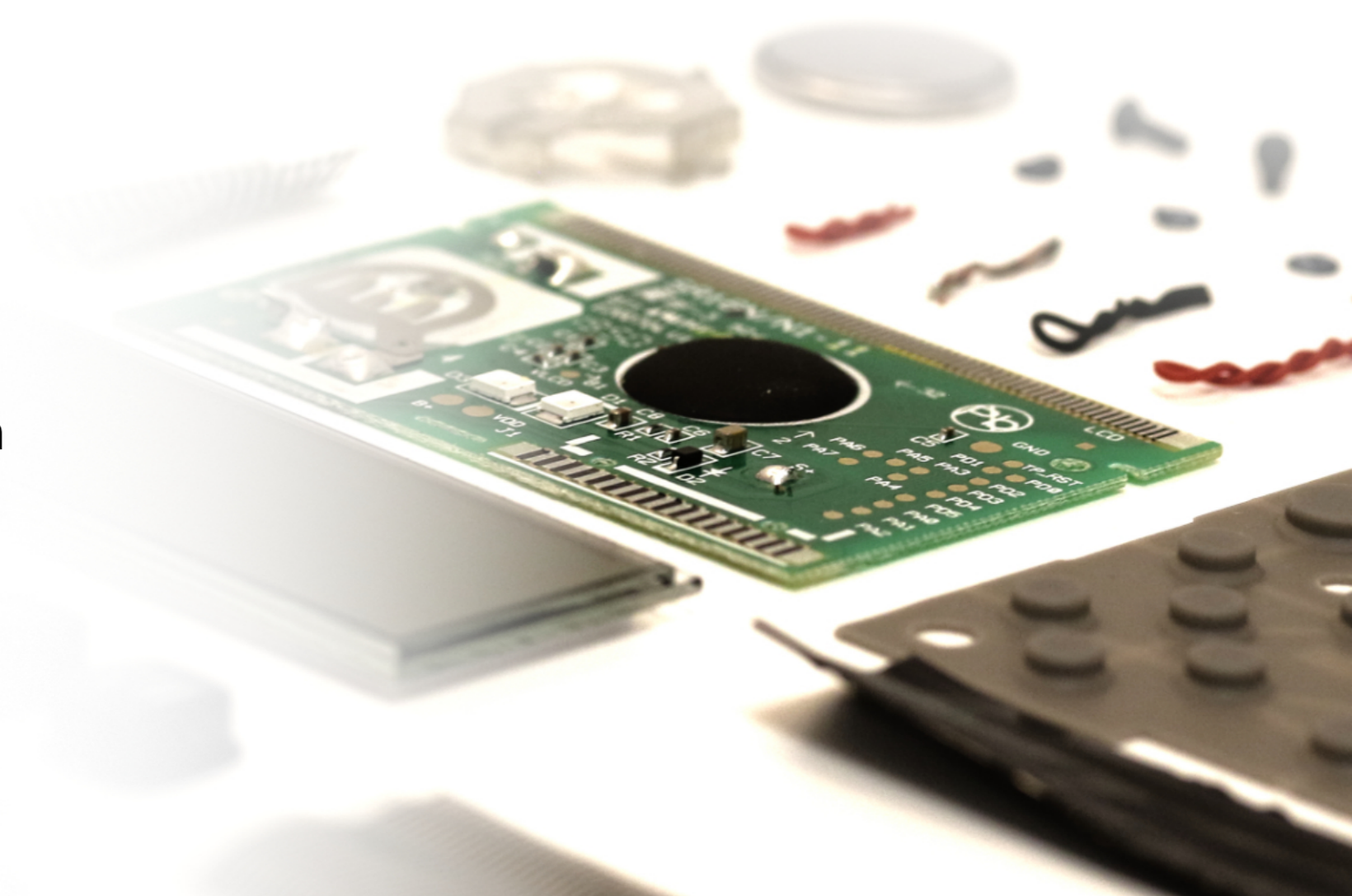


Canadian Restricted Material Data Reporting

2024

Presented by:
Bruce Calder
VP Consulting Services at Claigan

January 10 2024

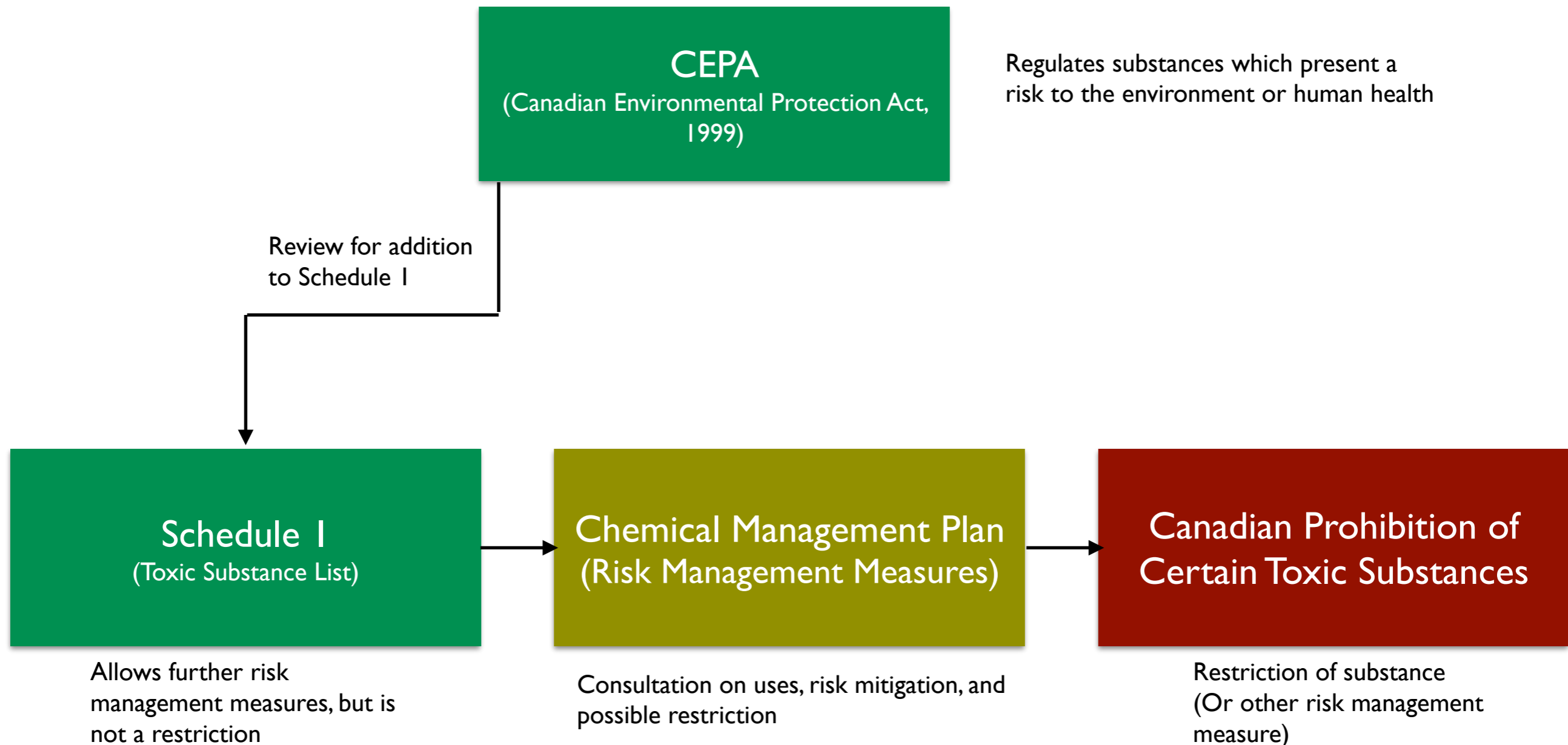


Overview - Agenda

- CEPA
 - Explanation of CEPA
 - Chemical Management Plan
- Mandatory reporting Jan 2024
 - Details
- Mandatory PFAS reporting 2024
 - Details
- Canadian Plastics Registry
 - Details
 - Consultation
- Canadian Forced Labour reporting
- Q&A



Canadian Chemical Regulation



ex. Section 71 surveys



Canadian Prohibition

- Schedule I **DOES NOT** mean restricted
 - Schedule I are substances that have been approved for review of risk management measures
 - Many steps (including data reporting) between addition to schedule I and restriction
- Restrictions
 - **Canadian Prohibition of Certain Toxic Substances**

Canadian Prohibition

- Key substances restricted under Canadian Prohibition
 - SCCPs
- Upcoming restrictions for articles (2024)
 - PFOA and long chain perfluorocarboxylates
 - decaBDE
 - Dechlorane plus
 - DBPDE
 - *Expected to be announced in 2024*

Canadian Prohibition Upcoming Changes

- **WTO [notification](#) by Canada**

Document symbol G/TBT/N/CAN/673

Document date 18/05/2022

Doc # 22-3835

Access level Public

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6

1. Notifying Member: <u>CANADA</u> If applicable, name of local government involved (Article 3.2 and 7.2):
2. Agency responsible: Department of the Environment and Department of Health

The proposed Regulations would further restrict the manufacture, use, sale and import of the following five substances, which are regulated under the current Regulations, by removing exemptions, by making most remaining exemptions time-limited or by imposing other conditions:

- 1) Perfluorooctane sulfonate (PFOS), its salts and its precursors;
- 2) Perfluorooctanoic acid, its salts, and its precursors (PFOA);
- 3) Long-chain perfluorocarboxylic acids, their salts, and their precursors (LC-PFCAs);
- 4) Hexabromocyclododecane (HBCD); and
- 5) Polybrominated diphenyl ethers (PBDEs) .

The proposed Regulations would also include concentration limits for these five substances at or below which their presence would be considered incidental.

The proposed Regulations would also introduce restrictions on the manufacture, use, sale and import of:

- 6) Dechlorane Plus (DP) and
- 7) Decabromodiphenyl ethane (DBDPE) .

Section 71 Notices

- **Mandatory Surveys**



Government
of Canada

Gouvernement
du Canada

- Mandatory provision under the Canadian Environmental Protection Act, 1999 (CEPA 1999)
- Related to
 - Certain substances requiring information for risk management
- **Mandatory** for importers into and manufacturing in Canada

Section 71 Notices

- **Current mandatory notices**



Government
of Canada

Gouvernement
du Canada

Current mandatory notices

Canada Gazette notice	Date published	Deadline to submit	Guidance manual	How to submit	Additional information
Certain substances under the Chemicals Management Plan 2023	June 24, 2023	January 17, 2024	HTML	Step 1: Download Excel Reporting File Step 2: Submit through Single Window	Information gathering with respect to certain substances under the Chemicals Management Plan

New Section 71

- **New Section 71 Survey**

- [Released June 24 2023](#)
- Due **January 17 2024**



- **Mandatory to complete if**

- >0.1% in articles or mixtures; and over 100 kg per annum
- Plus additional criteria for articles
- **852** substances sorted by CAS number

- **Applies to all companies importing into or manufacturing in Canada**

New Section 71 Deadlines

- **January 17 2024**
 - Chemical data report, or
 - Non-engagement letter, or
 - Extension request
- **Extension request**
 - Up to three (3) months extensions
 - Extensions will not be entertained after January 17 2024
- **Applies to all companies importing into or manufacturing in Canada**

Scope for Survey

- Eight hundred fifty-two (852) chemicals
 - 100kg (1,000 kg for some substances) of a chemical in a
 - > 0.1% of Mixture, or
 - > 0.1% of an Article (component)
 - If article is (any of the following)
 - Intended for children <14,
 - Comes in contact with human mucosa,
 - Cookware,
 - Food packaging,
 - Bedding,
 - Furniture, or
 - Flooring
- Note - if not impacted, a non-engagement letter is still required

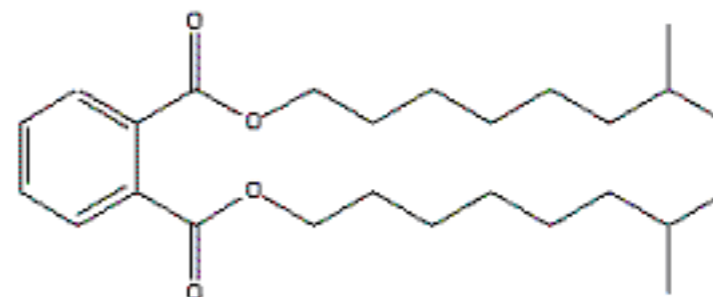
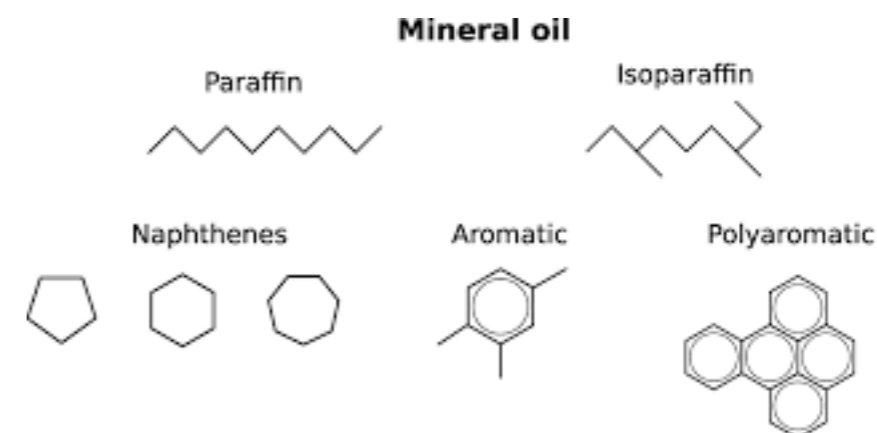
Section 71 Survey

Example - High Risk Chemicals

- Survey - 852 chemicals
 - One hundred nine (109) are in common usage
 - Forty-four (44) can be reasonably found in products

- Example chemicals in the survey

- Mineral oil
 - Very common in lubricants
- DINP
 - One of the most common flexible PVC plasticizer



Suggestions

Jan 17 2024 Survey

- When in doubt
 - Contact Claigan
- **We can help**
- Section 71 experience with consumer products, professional products, medical devices, pharmaceuticals, retailers, chemicals, cosmetics

New Section 71 Next Mandatory Data Reporting



Information gathering plan (2022 – 2024)

~~Fall 2022~~ **Fall 2023**

- Certain substances under the CMP — 2022

~~Spring 2023~~ **Spring 2024**

- Per- and polyfluoroalkyl substances

PFAS

~~Fall 2023~~ **TBD**

- Certain substances under the CMP — 2023

~~Spring 2024~~ **TBD**

- Certain substances on the Revised In Commerce List – Phase 3

New Section 71 PFAS Data Reporting

- **Notice PFAS reporting**
 - Notice expected between March and July 2024
 - Likely due end of year or early 2025
- **Data**
 - TBD
 - But expected to be similar to US PFAS reporting
- **Applies to all companies importing into or manufacturing in Canada**

Canadian Plastic Reporting

- **Canada is planning a registry for reporting of all plastics in electronics and packaging.**
- Scope
 - Packaging
 - Electronic and electrical equipment
 - Agriculture products
 - White goods
 - Textiles
 - Automotive
 - Construction

Canadian Plastics Registry

Producer



- **Applies to**
 - A person who is a producer of a plastic product
- Producer
 - Brand owner who resides in Canada, or
 - The first resident person to manufacture or import a plastic product in Canada
- Plastic products include (amongst others)
 - Packaging
 - Single use plastics
 - EEE (electronic and electrical equipment)
 - I I - medical devices, excluding implanted or infected devices

Key scope

- **Plastic products include (amongst others)**
 - Packaging
 - Single use plastics
 - “means a manufactured item that is designed to be used only once or for a short period of time for its original purpose before it is discarded and that
 - a) is a plastic manufactured item;
 - b) contains a plastic manufactured item that is integrated into it; or
 - c) has at least one component.”
 - *Unclear if this includes single use medical plastics. At least not implanted or infected plastics*
- EEE (electronic and electrical equipment)
 - All main RoHS categories including medical
 - Fixed installation exclusion unclear but generally assumed

A very “Canadian” regulation

- **Some example product categories**

- "snowmobile "

- means a self-propelled vehicle designed to be driven primarily on snow.



- "maple syrup tubing and taps"

- means the tubing used for carrying sap from maple trees to holding tanks, and the taps or spiles inserted in the tree to collect the sap.



A very “Canadian” regulation

- **Some example product categories**

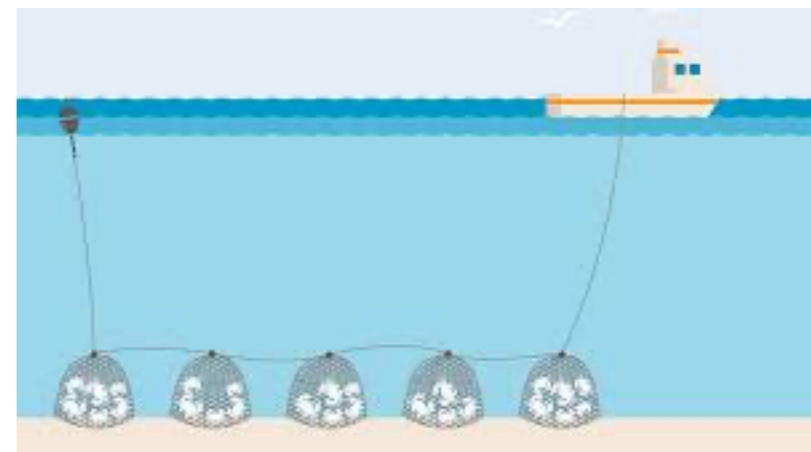
- "troll"

- means a line with a hook or hooks attached to it that is towed through the water by or from a vessel.



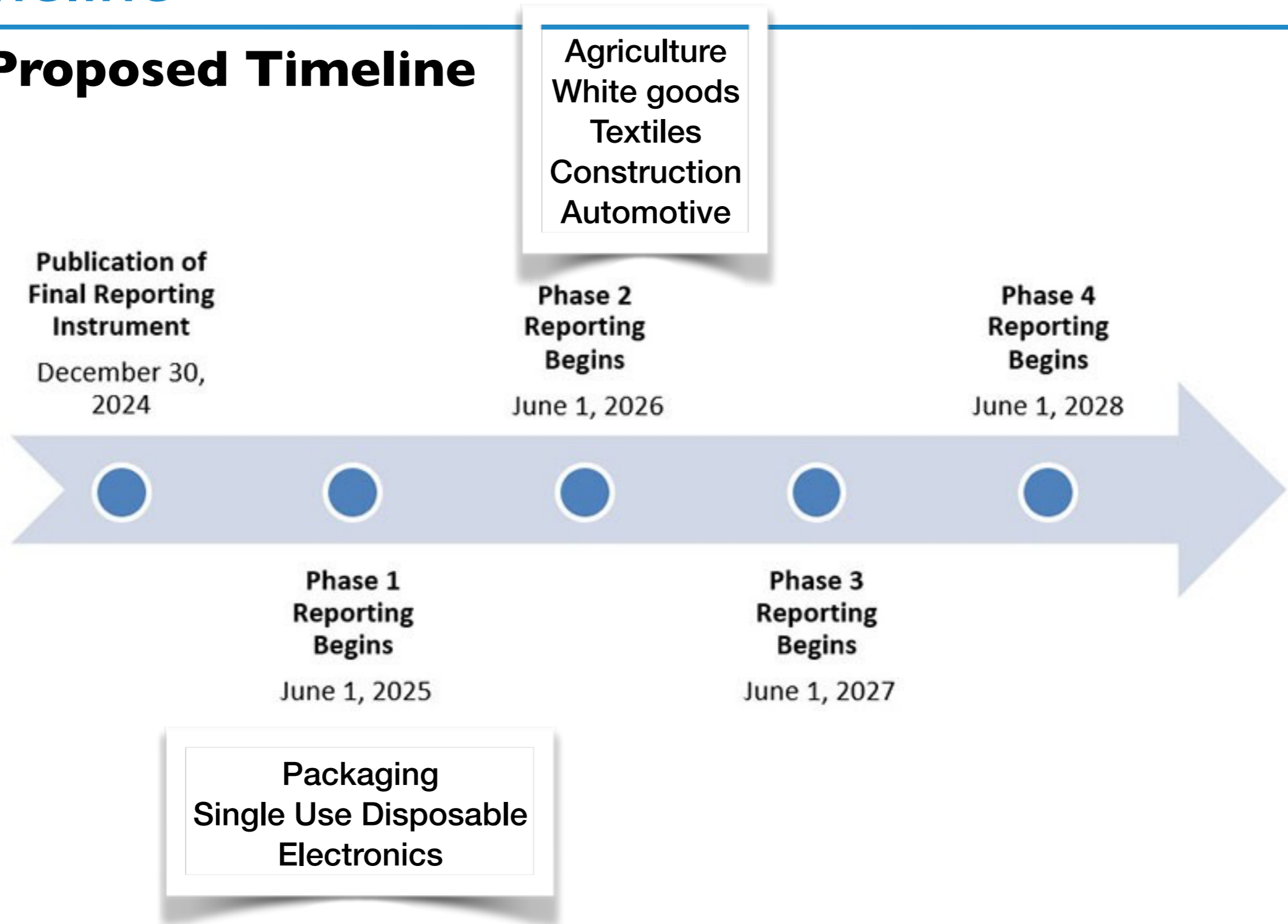
- "pot"

- means a type of fishing gear used for catching without enmeshing that contains bait which attracts the catch into it through one or more openings.



Canadian Plastics Reporting Timeline

- Proposed Timeline**



Canadian Plastics Reporting Update draft timeline

- **Packaging and electronics**
- By September 29 2025
 - Reporting for 2024 calendar year
 - Identity of resins used to make plastic products
 - Source of resin (virgin, recycled) used to make plastic products
 - Category/subcategory of plastic products (single vs re-usable)
 - Total quantity (tonnes) placed on the Canadian market
- In following years
 - Information on % collected at end of life, diverted to recycling, re-processed, incinerated, composted, etc...

Canadian Plastics Reporting Example

- **Example reporting**
 - ABS resins (28111410)
 - 5 tonnes
 - Virgin fossil-based conventional resin
 - Category - EEE (2) Telecommunications equipment
 - PVC resins (28111420)
 - 1 tonne
 - Virgin fossil-based conventional resins
 - Category - EEE (2) Telecommunications equipment

Plastics Registry Consultation

- **Consultation open until Feb 13 2024**

Share and view ideas: Publication of a Notice of intent for the Federal Plastics Registry

From: [Environment and Climate Change Canada](#)

Current status: Open

Opened on **December 30, 2023**, and the comment period will close on **February 13, 2024**.

The Government of Canada published a [Notice of intent to issue a section 46 notice for the Federal Plastics Registry](#) to create an inventory of data. It will require producers to report annually on the quantity and types of plastic they place on the Canadian market, how it moves through the economy, and, most importantly, how it is managed at its end-of-life. Partners, stakeholders and interested members of the public are invited to provide comments.

Join in: how to participate

To learn how we will protect your privacy during this consultation, please carefully review our [privacy statement](#).

Partners, stakeholders and interested members of the public are invited to provide comments on the Notice of intent to issue a section 46 notice. Comments received will be considered in the development of the section 46 notice for the Federal Plastics Registry.

Canada - Modern Slavery

- **Bill S-211 approved May 11 2023**
- [An Act to enact the Fighting Against Forced Labour and Child Labour in Supply Chains Act](#)
- Requirements -
 - Report on specifics of prevention of forced labour and child labour
 - To Canadian government May of each year
 - First reporting is currently schedule for **May 2024**

Canada - Modern Slavery

- **Entities in scope**

- entity means a corporation or a trust, partnership or other unincorporated organization that
 - (a) is listed on a stock exchange in Canada; **or**
 - (b) has a place of business in Canada, does business in Canada or has assets in Canada and that, based on its consolidated financial statements, meets at least two of the following conditions for at least one of its two most recent financial years:
 - (i) it has at least \$20 million in assets,
 - (ii) it has generated at least \$40 million in revenue, and
 - (iii) it employs an average of at least 250 employees

Main Elements of Canadian Government Submission



- **Submission to government**
 - Long web form of questions
 - Attachment of forced labour / modern slavery program
 - Usually identical to UK or California version

Fighting Against Forced Labour and Child Labour in Supply Chains Act (Act)

IDENTIFYING INFORMATION

Number	Question	Answer
1	This report is for which of the following?	
i	Entity	<input type="text"/>
ii	Government Institution	<input type="text"/>
2	Legal name of reporting entity or government institution:	
3	Financial reporting year (Start Date): Month/Day/Year	
4	Financial reporting year (End Date): Month/Day/Year	
5	Is this a revised version of a report already submitted this reporting year?	<input type="text"/>
5a	If yes, identify the date the original report was submitted: Month/Day/Year	
5b	Describe the changes made to the original report, including by listing the questions or sections that were revised (1500 character limit).	
6	Business number(s) (if applicable):	
7	Is this a joint report?	<input type="text"/>
7a	If yes, identify the legal name of each entity covered by this report.	
7b	Identify the business number(s) of each entity covered by this report, (if applicable).	
8	Is the entity also subject to reporting requirements under supply chain legislation in another jurisdiction?	<input type="text"/>
8a	If yes, indicate the applicable law(s). Select all that apply.	
i	The United Kingdom's Modern Slavery Act 2015	<input type="text"/>
ii	Australia's Modern Slavery Act 2018	<input type="text"/>

Forced Labour Submission

- **Claigan**
 - Broken all the web questions down to a simple questionnaire
 - Claigan can
 - Complete the work from your current program, **or**
 - Support your completion, **or**
 - Review your work for compliance to the Canadian requirements

Canada Reporting

- **2024**
 - Jan 17 2024
 - Section 71 chemical reporting, non-engagement letter, or extension request
 - May 2024
 - Forced labour reporting
 - ~End of 2024
 - Section 71 PFAS data reporting
- **2025**
 - September 2025
 - Plastics registry submission

Canada Reporting

- **2024**

- Jan 17 2024

- Section 71 chemical reporting, non-engagement letter, or extension request

- May 2024

- Forced labour reporting

- ~End of 2024

- Section 71 PFAS data reporting

- **2025**

- September 2025

- Plastics registry submission

Q&A

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