

**Dear Sir/Madam:**

**Subject: Publication of the proposed *Regulations Amending the Prohibition of Certain Toxic Substances Regulations, 2012***

This letter is to inform you that on April 4, 2015 the Government of Canada published, in *Canada Gazette* Part I, the proposed *Regulations Amending the Prohibition of Certain Toxic Substances Regulations, 2012* (the proposed amendments). The proposed amendments would amend the *Prohibition of Certain Toxic Substances Regulations, 2012* (the Prohibition Regulations). The publication of the proposed amendments is subject to a 75-day public comment period, ending June 18, 2015.

The proposed amendments are available through the Environment Canada website at:  
<http://ec.gc.ca/lcpe-cepa/eng/regulations/DetailReg.cfm?intReg=226>

Background:

The Prohibition Regulations are a multi-substance risk management instrument used to prohibit the manufacture, use, sale, offer for sale and import of 22 toxic substances and products containing these substances, with a number of exemptions.

The proposed amendments would add five substances:

- (1) hexabromocyclododecane (HBCD);
- (2) perfluorooctanoic acid, its salts, and its precursors (PFOA);
- (3) long-chain perfluorocarboxylic acids, their salts, and their precursors (LC-PFCAs);
- (4) polybrominated diphenyl ethers (PBDEs); and,
- (5) perfluorooctane sulfonate its salts and its precursors (PFOS).

Screening assessments conducted by Environment Canada concluded that HBCD<sup>[1]</sup>, PFOA<sup>[2]</sup>, LC-PFCAs<sup>[3]</sup>, PBDEs<sup>[4]</sup>, and PFOS<sup>[5]</sup> are toxic to the environment, as per the *Canadian Environmental Protection Act, 1999* (CEPA 1999).

Currently, there are no risk management instruments in place respecting preventive or control actions for HBCD in Canada. The proposed amendments would prohibit the manufacture of HBCD in Canada as of the coming into force of the amendments. By January 1, 2017, the amendments would prohibit the manufacture, use, sale, offer for sale or import of HBCD, as well as expanded and extruded foams containing HBCD used in building/construction applications.

In the case of PFOA and LC-PFCAs, early risk management actions have been taken. The proposed amendments would prohibit the manufacture, use, sale, offer for sale, or import of PFOA and LC-PFCAs, unless present in manufactured items, from the coming into force of the amendments. The on-going use, sale, offer for sale and import of these substances in aqueous film-forming foams (AFFF) used in fire protection applications would be allowed. In addition, a temporary permitted use is allowed for these substances in water-based inks and photo media coatings until the end of 2016.

PBDEs and PFOS are substances that are currently managed under the *Polybrominated Diphenyl Ether Regulations* and the *Perfluorooctane Sulfonate and its Salts and Certain Other Compounds Regulations*, respectively. The proposed amendments would expand the scope of the existing prohibitions for PBDEs to cover all PBDEs (including decaBDE). In the case of PFOS, the proposed amendments would maintain similar regulatory requirements and revise exemptions.

The proposed amendments include changes to improve clarity and consistency of the regulatory text.

Response to public comments received on consultation documents:

On the same date, Environment Canada also published the response to public comments received on the consultation documents for HBCD, PFOA/LC-PFCAs, PBDEs, and PFOS, as well as the response to public comments received on the risk management approach for PFOA/LC-PFCAs. They are accessible via the respective substances webpages.

For more information, please visit the following websites:

- *Regulations Amending the Prohibition of Certain Toxic Substances Regulations, 2012*: <http://ec.gc.ca/lcpe-cepa/eng/regulations/DetailReg.cfm?intReg=226>
- HBCD: <http://www.ec.gc.ca/toxiques-toxics/Default.asp?lang=En&n=98E80CC6-1&xml=58F1CC80-7565-49EA-BC75-1739EC20DF1A>
- PFOA and LC-PFCAs: <https://www.ec.gc.ca/toxiques-toxics/Default.asp?lang=En&n=6B9B6B28-1&xml=F68CBFF1-B480-4348-903D-24DFF9D623DC>
- PBDEs : <http://www.ec.gc.ca/toxiques-toxics/Default.asp?lang=En&n=98E80CC6-1&xml=5046470B-2D3C-48B4-9E46-735B7820A444>
- PFOS: <http://www.ec.gc.ca/toxiques-toxics/default.asp?lang=En&n=ECD5A576-1>

Additional information related to the proposed amendments can be found in the following attachments:

- Guidance Document – The *Prohibition of Certain Toxic Substances Regulations, 2012* and the Proposed Amendments
- Sample Draft Consolidated Regulations
- Non-Exhaustive List of Chemical Abstracts Service Registry Numbers (CAS RN) for HBCD, PFOA, LC-PFCAs, PBDEs and PFOS

#### Web-based Information Session

A web-based information session will be held on **April 23, 2015, 14:30 (Eastern Standard Time)** to inform stakeholders of the proposed amendments to the *Prohibition of Certain Toxic Substances Regulations, 2012* and provide an opportunity for stakeholders to ask clarifying questions.

It is expected that the web-based information session will be held in English. However, a French language information session can be arranged upon request. The facilitator of the information session will be bilingual, therefore questions can be responded to in both official languages.

To register for the webinar please RSVP by email at [ec.interdiction-prohibition.ec@ec.gc.ca](mailto:ec.interdiction-prohibition.ec@ec.gc.ca) by **April 17**.

Should you have any comments on the proposed amendments, please forward them to:  
Chemicals Management Division Environment Canada 351 St. Joseph Boulevard Gatineau, Quebec K1A 0H3 Email: [ec.interdiction-prohibition.ec@ec.gc.ca](mailto:ec.interdiction-prohibition.ec@ec.gc.ca)

Sincerely,

*(Original signed by)*

Vincenza Galatone  
Executive Director  
Chemicals Management Division  
Environment Canada

<sup>[1]</sup> The screening assessment for HBCD can be found at: <http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=7882C148-1>

<sup>[2]</sup> The screening assessment for PFOA can be found at: <http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=370AB133-1>

<sup>[3]</sup> The screening assessment for LC-PFCAs can be found at: <http://www.ec.gc.ca/ese-ees/default.asp?lang=En&n=CA29B043-1>

<sup>[4]</sup> The screening assessment for PBDEs can be found at: <http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=0DDA2F24-1>

<sup>[5]</sup> The screening assessment for PFOS can be found at: <http://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=98B1954A-1>