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**Proposed *Prohibition of Asbestos and
Asbestos Products Regulations***
and
**related amendments to the *Export of
Substances on the Export Control List
Regulations***

**February 6, 2018
Environmental Protection
Branch
Chemicals Management
Division**

Objectives

- Present the proposed *Prohibition of Asbestos and Asbestos Products Regulations* and related amendments to the *Export of Substances on the Export Control List Regulations* (ESECLR).
- Outline the consultation process and the regulatory development timeline.
- Seek preliminary feedback and respond to questions about the proposed Regulations and related amendments to the ESECLR.



Outline of the Presentation

- Context
- Summary of Consultations
- Proposed *Prohibition of Asbestos and Asbestos Products Regulations*
- Related Amendments to the ESECLR (and proposed Order Amending Schedule 3 to the *Canadian Environmental Protection Act, 1999*)
- Discussion/Questions
- Next Steps
- Closing Remarks



Context

- The Government of Canada recognizes that breathing in asbestos fibres can cause life-threatening diseases, such as asbestosis, mesothelioma and lung cancer, and is taking action to prohibit asbestos and products containing asbestos.
- In December 2016, the Government of Canada announced the Government-wide strategy to ban asbestos and committed to put in place regulations prohibiting asbestos and products containing asbestos by 2018.



Government-Wide Strategy

- In addition to the development of the new regulations to prohibit asbestos and products containing asbestos, the strategy includes other activities to protect the health of Canadians from asbestos exposure:
 - establishing new federal workplace health and safety rules that would limit the risk of people coming into contact with asbestos on the job;
 - expanding the current online list of asbestos-containing buildings owned or leased by the Government of Canada;
 - working in collaboration with our provincial and territorial partners to change the national, provincial and territorial building codes to prohibit the use of asbestos in new construction and renovation projects across Canada; and
 - raising awareness of the health impacts of asbestos to help reduce the incidence of lung cancer and other asbestos-related diseases.



Proposed Regulatory Actions Under the *Canadian Environmental Protection Act, 1999*

- Proposed regulatory actions to prohibit asbestos and products containing asbestos were developed in collaboration with Health Canada and include the following elements:
 - proposed *Prohibition of Asbestos and Asbestos Products Regulations* (proposed Regulations)
 - proposed repeal of the *Asbestos Products Regulations* made under the *Canadian Consumer Product Safety Act* (CCPSA)
 - proposed related amendments to the *Export of Substances on the Export Control List Regulations*
 - proposed *Order Amending Schedule 3 to the Canadian Environmental Protection Act, 1999* (CEPA)



Summary of Consultations

- Publication of the *Notice of Intent to Develop Regulations Respecting Asbestos* in *Canada Gazette*, Part I followed by a 30-day comment period (December 2016).
- Publication of a consultation document describing the proposed regulatory approach followed by a 45-day comment period (April 2017).
- Publication of the proposed Regulations and related amendments in *Canada Gazette*, Part I on January 6, 2018 followed by a 75-day comment period ending on March 22, 2018.



Proposed *Prohibition of Asbestos and Asbestos Products Regulations*

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Proposed Prohibition of Asbestos and Asbestos Products Regulations

Purpose

- Prohibit new asbestos and products containing asbestos from entering the Canadian market after the coming into force of the Regulations.
- Prohibit the sale and use of any remaining stockpiles of asbestos not integrated into a structure or infrastructure, and products containing asbestos not yet installed at the coming into force date of the regulations.



Proposed Prohibition of Asbestos and Asbestos Products Regulations (Cont'd)

- The proposed regulations would not apply to:
 - Mining residues except for certain activities.
 - Products or mixtures in which asbestos is incidentally present.
 - Pest control products.
 - Asbestos and products containing asbestos that were installed prior to the coming into force of the proposed Regulations (such as asbestos and products containing asbestos installed in buildings, civil engineering works, vehicles, ships, and airplanes).
 - The proposed Regulations would prohibit the use and sale of any asbestos, or product that contains asbestos, not yet installed (i.e. found in inventory) at the coming into force date of the regulations. Any remaining stockpiles could not be used or sold and would therefore need to be disposed of or destroyed.



Proposed *Prohibition of Asbestos and Asbestos Products Regulations (Cont'd)*

- The proposed regulations would prohibit:
 - the import, sale and use of processed asbestos fibres.
 - the manufacture, import, sale and use of products containing asbestos.
 - the sale of asbestos mining residues that are located at an asbestos mining site or accumulation area, for use in construction and landscaping activities, unless the use is authorized by the province in which the construction or landscaping is to occur.
 - the use of asbestos mining residues to manufacture a product that contains asbestos.



Proposed *Prohibition of Asbestos and Asbestos Products Regulations (Cont'd)*

- **Exclusions**

- for the import and use of asbestos in the **chlor-alkali industry**, until December 31, 2025 (time-limited exclusion);
- for the import, sale and use of asbestos and products containing asbestos for the purpose of display in a **museum** (on-going exclusion); and,
- for the import, sale and use of asbestos and products containing asbestos in a **laboratory** for scientific research, for sample characterization or as an analytical standard (on-going exclusion).

- **Notification, Reporting and Record Keeping**

- for most excluded activities.

- **Labelling Requirements**

- for asbestos imported for use in diaphragms in chlor-alkali facilities during the phase-out period.



Proposed *Prohibition of Asbestos and Asbestos Products Regulations (Cont'd)*

Permit Provisions

- for unforeseen circumstances where processed asbestos fibre or a product containing asbestos is needed to protect human health or the environment, and where there is no technically or economically feasible alternative.
- A permit would be valid for one year.
- A permit holder would be subject to reporting and record keeping regulatory requirements.



Proposed *Prohibition of Asbestos and Asbestos Products Regulations (Cont'd)*

Asbestos Management Plan

- Measures to prevent risk to human health from exposure to processed asbestos fibre, or products that contain asbestos, that is to be displayed, imported or used;
- Procedures for informing all employees or workers, who may come in contact with the process asbestos fibre or product that contain asbestos of
 - the risks of exposure to that processed asbestos fibre or product that contains asbestos,
 - how to safely handle, store and dispose of asbestos fibre or products containing asbestos, and
 - provincial or federal occupational health and safety requirements relating to asbestos
- Procedure for reviewing the asbestos management plan.

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Proposed Prohibition of Asbestos and Asbestos Products Regulations (Cont'd)

Notification

- 60 days before the activity is expected to take place.
- The notification would generally contain the following information:
 - Name, address, telephone number and email address of the company/organization.
 - Name of the person who is authorized to act on behalf of the company/organization and contact information.
 - The description of the activity concerning asbestos.
 - The anticipated period of the time when the activity will occur.
 - The type and quantity of asbestos involved in the activity and the unit of measurement.
 - A statement that an asbestos management plan has been prepared.



Proposed *Prohibition of Asbestos and Asbestos Products Regulations (Cont'd)*

Report

- Before March 31 of the calendar year following the calendar year in which the activity involving asbestos occurred.
- The report would generally contain the following information:
 - Name and address of the company/organization.
 - Name of the person who is authorized to act on behalf of the company/organization and contact information.
 - The description of the activity.
 - The period of time when the activity occurred.
 - The type and quantity of asbestos involved in the activity and the unit of measurement.
 - A statement that an asbestos management plan has been implemented.



Proposed *Prohibition of Asbestos and Asbestos Products Regulations (Cont'd)*

Record Keeping

- Notifications and reports
 - Any person that submits a notification or a report must keep a record containing a copy of the information submitted, the asbestos management plan and any supporting documents, for a period of at least 5 years from the day on which the notification or the report is submitted.
- Permits
 - A person that has been issued a permit must keep a record of the permit and permit application, the asbestos management plan and any supporting documents for a period of at least 5 years from the day on which the permit is issued.



Proposed Prohibition of Asbestos and Asbestos Products Regulations (Cont'd)

Coming into Force

- The regulations and related amendments would come into force 90 days after registration.



Proposed repeal of the *Asbestos Products Regulations*

- The *Asbestos Products Regulations* made under the *Canadian Consumer Product Safety Act* (CCPSA) would be repealed as the new proposed Regulations will be more comprehensive.



**Proposed related amendment to the
*Export of Substances on the Export
Control List Regulations***

and

**proposed Order amending Schedule 3
of the *Canadian Environmental
Protection Act, 1999***



Proposed related amendments to the *Export of Substances on the Export Control List Regulations*

- The proposed related amendments to the *Export of Substances on the Export Control List Regulations* would prohibit exports of all forms of asbestos and products containing asbestos with the following exemptions:
 - Asbestos or a product that contains asbestos that is, or is contained in, a **hazardous waste or hazardous recyclable material** regulated by the *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations* ;
 - Asbestos that is contained in a **manufactured item**;
 - Asbestos for use in a **laboratory** for analysis, in scientific research or as a laboratory analytical standard; and
 - Asbestos or a product that contains asbestos intended to be displayed in a **museum**.
- Exports allowed by the above exemptions require prior notification of export and may be subject to requirements respecting labelling, liability insurance, record keeping, and inclusion of safety data sheets with the exports. These exports may also require a permit if they are exported to a country that is party to the Rotterdam Convention.



Proposed Order Amending the Export Control List

- The proposed *Order Amending Schedule 3 to the Canadian Environmental Protection Act, 1999* would add the following asbestos forms to the Export Control List (ECL).

Part 2:

- actinolite asbestos,
- anthophyllite asbestos,
- amosite asbestos,
- tremolite asbestos

(Crocidolite would remain in Part 2)

Part 3:

- chrysotile asbestos

- These additions would make export of all forms of asbestos subject to the amended *Export of Substances on the Export Control List Regulations*.
- Some administrative changes are also proposed to be made to the Export Control List.

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NEXT STEPS

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Next Steps

- 75-day public comment period ending on March 22, 2018.
- Consider comments and information provided during the 75-day comment period.
- Publication of Final Regulations in *Canada Gazette*, Part II (Fall 2018).
- Coming into force of the regulations and related amendments to the ESECLR by the end of 2018.



DISCUSSION/QUESTIONS

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Useful Links

Proposed *Prohibition of Asbestos and Asbestos Products Regulations* and Related Amendments: <http://gazette.gc.ca/rp-pr/p1/2018/2018-01-06/html/reg3-eng.html>

Order Amending Schedule 3 to the *Canadian Environmental Protection Act, 1999*: <http://gazette.gc.ca/rp-pr/p1/2018/2018-01-06/html/reg2-eng.html>

ECCE Asbestos webpage : <https://www.canada.ca/en/environment-climate-change/services/management-toxic-substances/list-canadian-environmental-protection-act/asbestos.html>

Chemical Substance Webpage: <https://www.canada.ca/en/health-canada/services/chemical-substances/chemicals-management-plan/initiatives/asbestos.html>

Health risks of asbestos: <https://www.canada.ca/en/health-canada/services/air-quality/indoor-air-contaminants/health-risks-asbestos.html>

Consultation Document: <https://www.canada.ca/en/environment-climate-change/services/canadian-environmental-protection-act-registry/publications/consultation-regulatory-approach-prohibit-asbestos.html>

Notice of intent to develop regulations respecting asbestos: <http://canadagazette.gc.ca/rp-pr/p1/2016/2016-12-17/html/notice-avis-eng.php#nl3>



CLOSING REMARKS

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