



16 January 2018

(18-0435)

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Committee on Technical Barriers to Trade

Original: English/French

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 Health Canada Name and address (including telephone and fax numbers, email and website addresses, if available) of agency or authority designated to handle comments regarding the notification shall be indicated if different from above: Canada's Notification Authority and Enquiry Point Global Affairs Canada 111 Sussex Drive Ottawa, ON K1A 0G2 Canada Tel: (343)203-4273 Fax: 613-943-0346 E-mail: enquiry@international.gc.ca
3. Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4. Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Asbestos and products that contain asbestos (ICS: 13.300; 73.020; 91.100)
5. Title, number of pages and language(s) of the notified document: Proposed Prohibition of Asbestos and Asbestos Products Regulations (60 pages, in English and French); and Regulations Repealing the Asbestos Products Regulations (2 pages).
6. Description of content: The proposed Regulations would prohibit the import, sale and use of asbestos, and the manufacture, import, sale and use of products containing asbestos with a limited number of exclusions. In addition, the proposed Regulations would not prohibit the use and sale of 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 not apply to pest control products (as defined in subsection 2(1) of the Pest Control Products Act), or mining residues except for the following activities which would be prohibited: <ul style="list-style-type: none">• the sale and use of asbestos mining residues for construction and landscaping activities, unless authorized by the province; and,• the use of asbestos mining residues to manufacture a product that contains asbestos. The proposed Regulations would also include the following exemptions: <ul style="list-style-type: none">• a time-limited exclusion for the import and use of asbestos in the chlor-alkali industry, until 31 December 2025;

- an on-going exclusion for the import, sale and use of asbestos and products containing asbestos for the purpose of display in a museum; and,
- an on-going exclusion for the import, sale and use of asbestos and products containing asbestos for scientific research, for sample characterization or as an analytical standard in a laboratory.

These activities would be subject to notification, annual reporting and record keeping requirements. In addition, the proposed Regulations include labelling requirements for any asbestos imported for diaphragms in chlor-alkali facilities during the phase-out period.

The proposed Regulations would include permit provisions for unforeseen circumstances where asbestos or a product containing asbestos is used to protect human health or the environment, where there is no technically or economically feasible alternative. The permit would be valid for one year and the permit holder would be subject to reporting requirements.

Furthermore, a permit holder, museum, laboratory, or chlor-alkali facility benefitting from exclusion would need to prepare and implement an asbestos management plan.

7. Objective and rationale, including the nature of urgent problems where applicable: Protection of the human health

8. Relevant documents: *Canada Gazette*, Part I, 6 January 2018, Pages 43-100; 101-102 (available in English and French)

9. Proposed date of adoption: Fall 2018

Proposed date of entry into force: These Regulations come into force 90 days after the day on which they are registered

10. Final date for comments: 22 March 2018

11. Texts available from: National enquiry point [X] or address, telephone and fax numbers and email and website addresses, if available, of other body:

The electronic version of the regulatory text can be downloaded at:

<http://gazette.gc.ca/rp-pr/p1/2018/2018-01-06/html/reg3-eng.html>

<http://gazette.gc.ca/rp-pr/p1/2018/2018-01-06/html/reg3-fra.html>