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Overview of Proposed Mercury- containing Products Regulations *and*

Development of Extended Producer Responsibility Regulations for Mercury- containing Lamps

Recycling Council of Alberta
Caitlin Gillespie
Environment Canada
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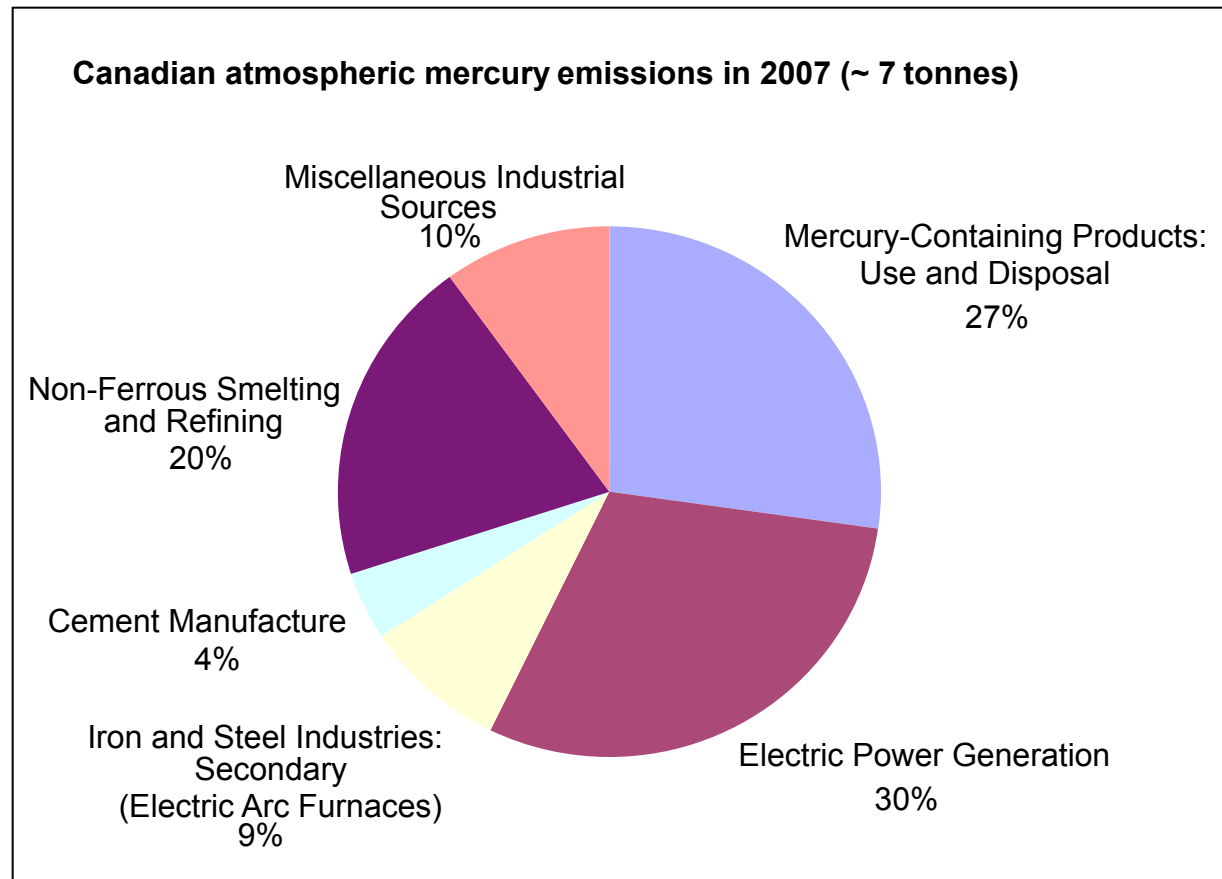
Mercury

- Mercury is a naturally occurring element that is toxic to human health at very low levels.
- Mercury is recognized as:
 - a potent neurotoxin
 - a transboundary pollutant
 - extremely volatile
 - bioaccumulative
 - persistent
- It is on the List of Toxic Substances of the *Canadian Environmental Protection Act, 1999* (CEPA 1999).

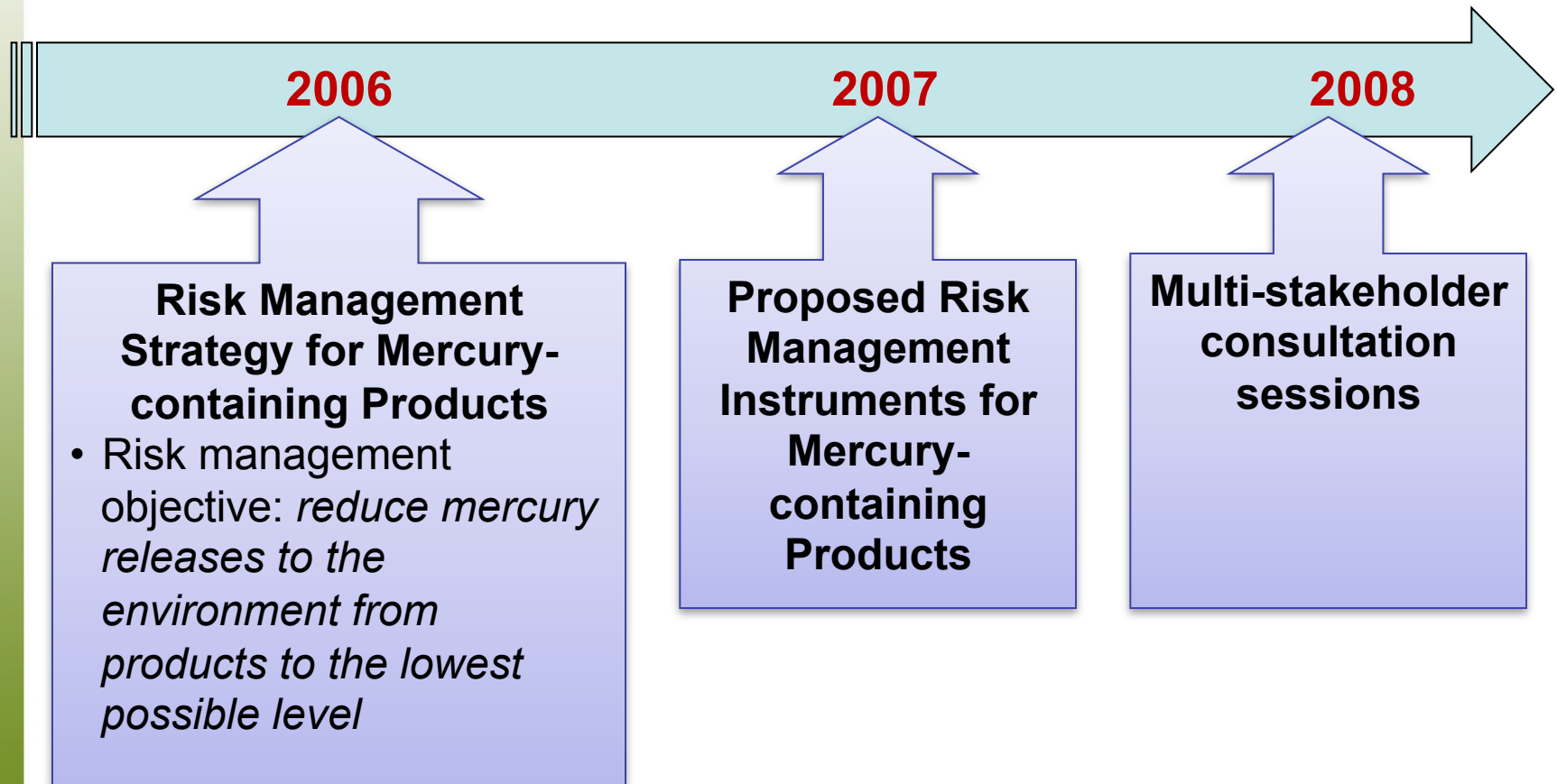


Mercury Emissions in Canada

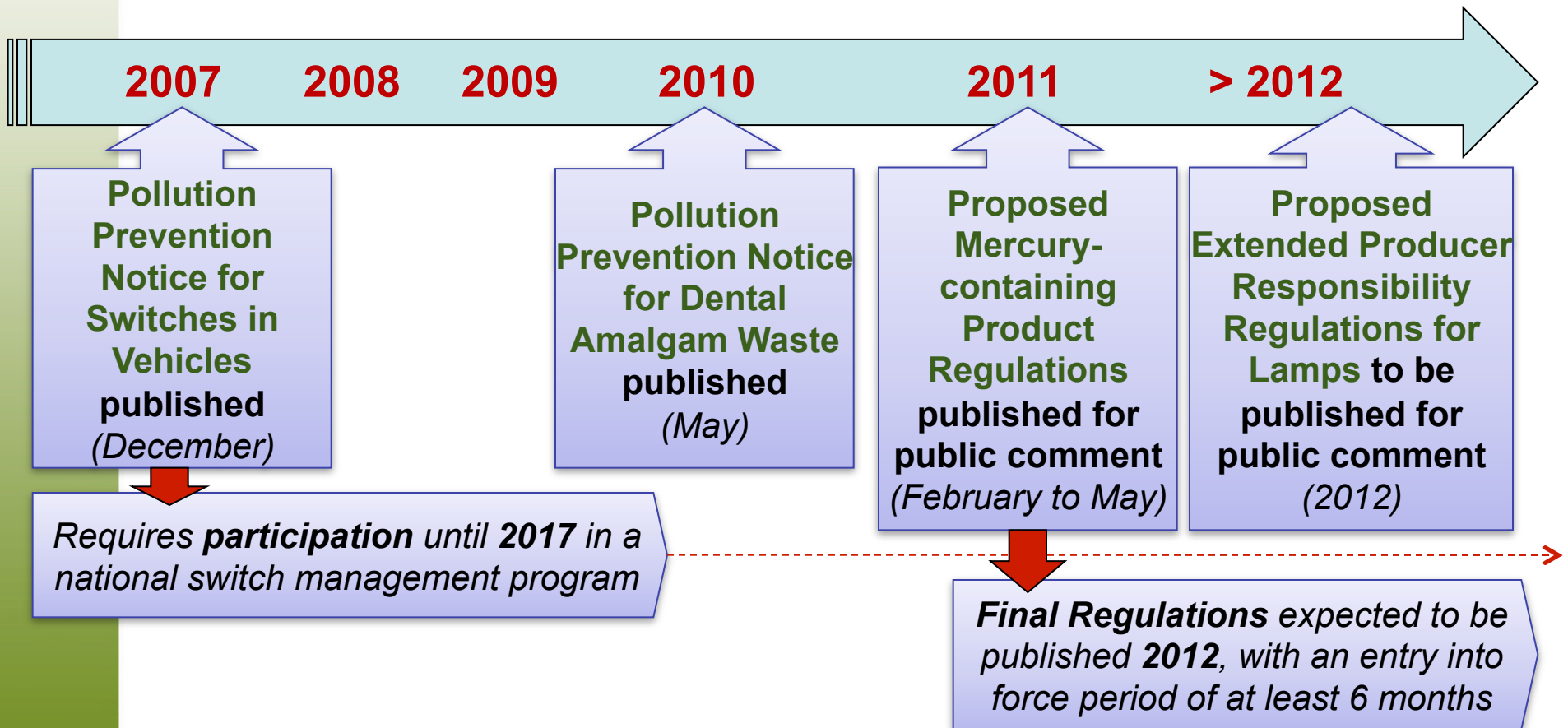
- Out of a total of 7 tonnes of mercury emitted to the air in 2007, about 2 tonnes (27%) were from mercury-containing products.



Development of Approach for Mercury-Containing Products



Development of Approach for Mercury-Containing Products (cont'd)



Provisions in the Proposed Mercury-containing Products Regulations



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Overview of Proposed Mercury-containing Products Regulations

- **The Regulations will:**
 - prohibit the import, manufacture, and sale of mercury-containing products;
 - target products manufactured or imported after coming into force;
 - exempt certain products, establish content limits or grant permits;
 - require labelling and testing of mercury-containing products;
 - require reporting and record-keeping of mercury used in products.



Application and Non-Application

- The regulations will apply to products that contain mercury
- The intent is to target products where mercury has been deliberately added
- The regulations will not apply to products where the risk from mercury is covered by other regulations or departments. For example:
 - waste and end-of-life products;
 - drugs;
 - ammunition and explosives.



Examples of Prohibited Products

- Thermostats
- Thermometers
- Switches/Relays
- Other measuring devices:
 - Sphygmomanometers
 - Barometers
 - Flame Sensors
- Tire balancing products



-Psychrometers/Hygrometers

-Hydrometers

-Manometers

-Flow meters

-Pyrometers



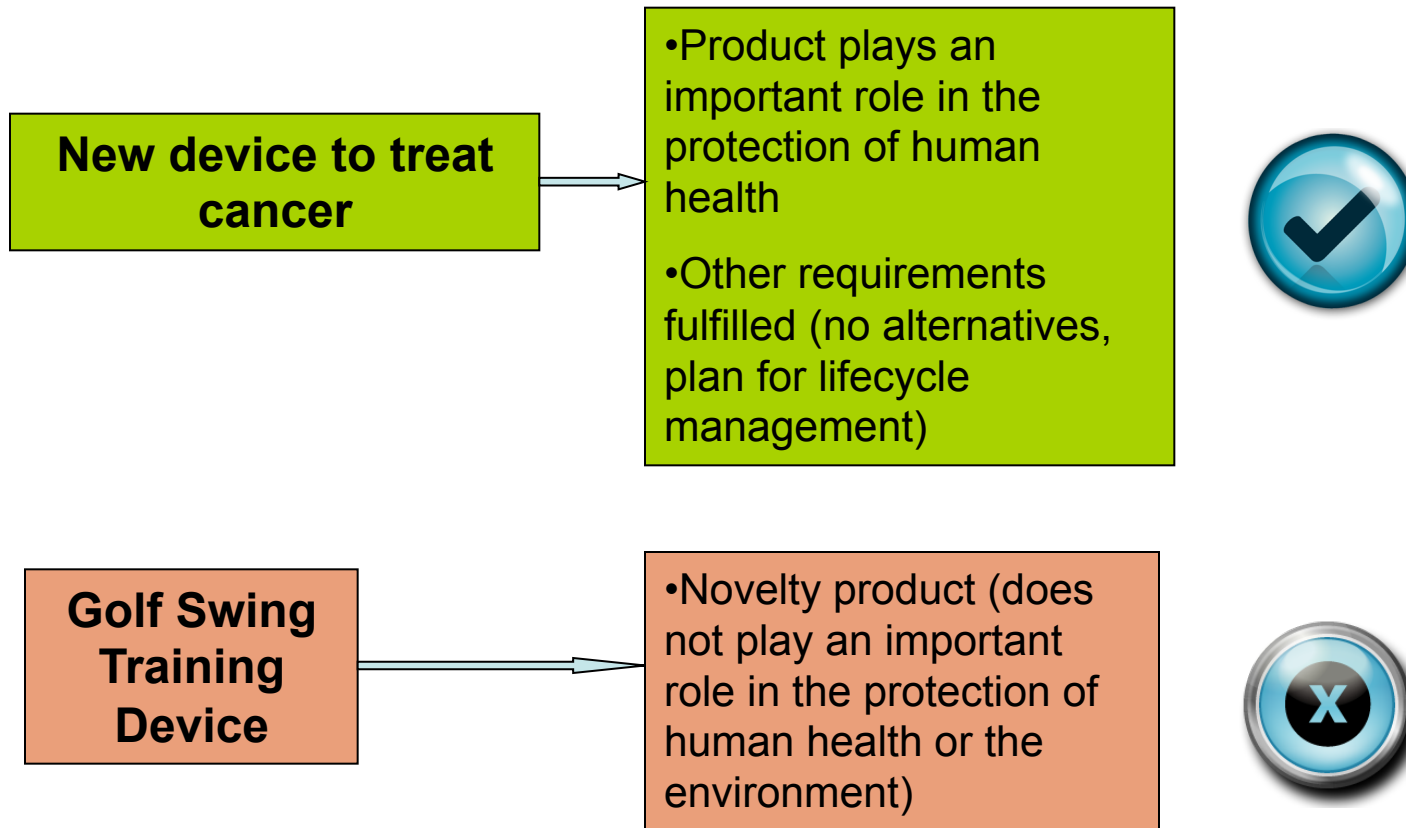
Exempted products

- The intent of the exemptions is to allow essential products for which there is no viable alternative
- Exempted products include:
 - various lamp types (with Hg content limits) and light detectors
 - dental amalgam
 - certain research and health and safety applications:
 - instrumentation for the calibration of medical or scientific research, etc.
 - high tech micro switches and relays for monitoring and control equipment (with Hg content limits)
 - replacement parts

Permits (Sections 4, 5 & 6)

- The regulations will include permit provisions to allow the import or manufacture of new, unforeseen and beneficial products that are not already exempted from the regulations.
- Permit applications will have to demonstrate:
 - the important role of the product in the protection of the environment or human health
 - absence of alternatives or substitutes for the product
 - a plan with measures on life-cycle management of the product

Example - Permitting

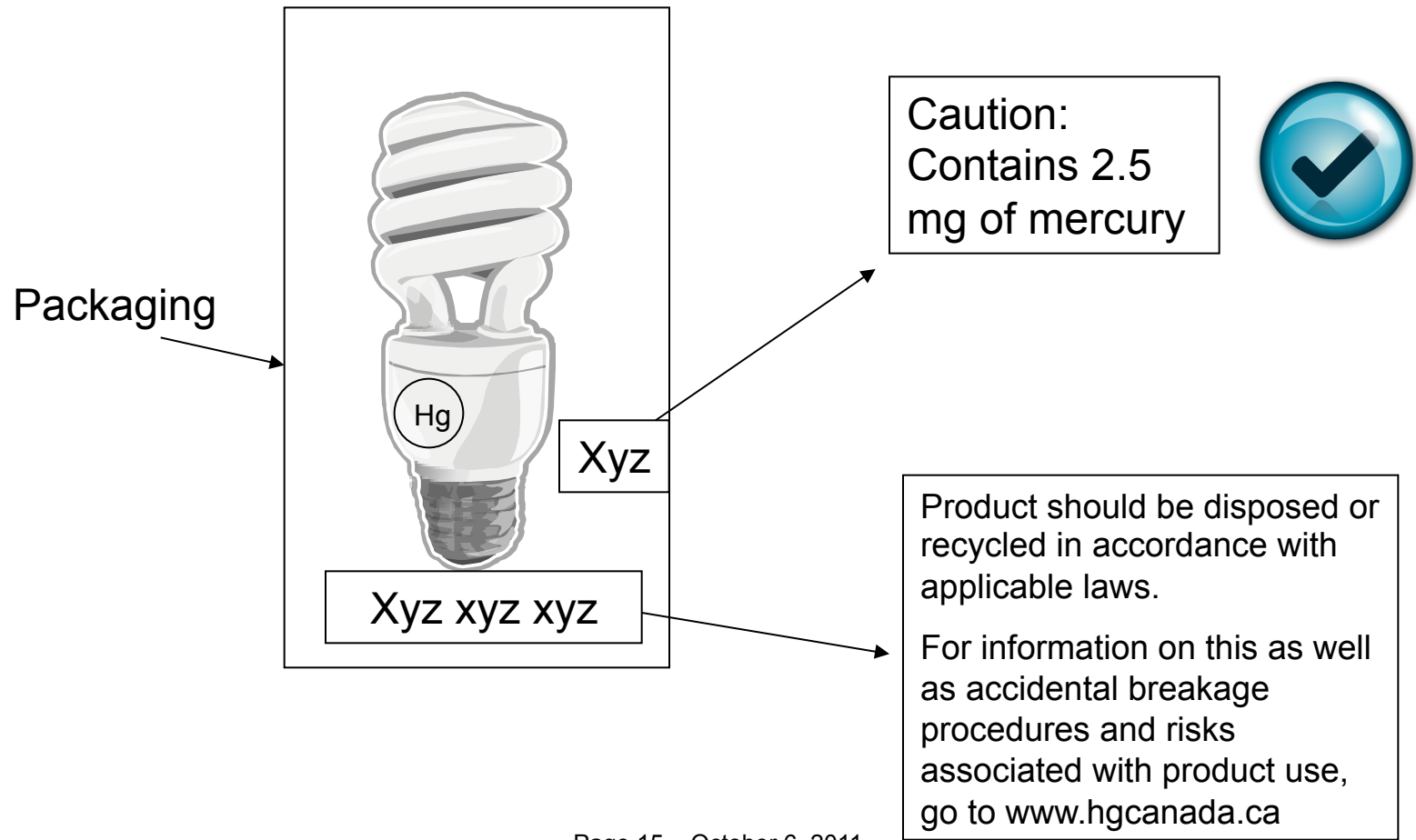


Labelling (Sections 8 & 9)

Mercury-containing products must be labelled with the following information:	The information must be:	If the product is too small :
<ul style="list-style-type: none"> • the statement “Caution contains mercury” and the symbol Hg • the quantity of the mercury in mg (or less then...) • measures to be taken in case of breakage and options for the disposal (or website or phone #) • warning indicating that the product should be disposed in accordance with the applicable laws 	<ul style="list-style-type: none"> • in English & French • easy to distinguish • in 3mm characters • enclosed by a border • legible, indelible, etc. 	<ul style="list-style-type: none"> • on the package or • in a notice or • in a manual

•The intent of the labelling provisions is to provide consumers and recyclers with information regarding the products

Labelling Examples



Testing Requirements (Section 11, 12 and 13)

To determine the quantity of mercury in exempted products, regulatees must:

- Select Accredited Laboratories
 - *ISO/IEC 17025: 1999 General requirements for the competence of testing and calibration laboratories*
 - or
 - Accredited in accordance with the *Environmental Quality Act* (Quebec)
- Follow a specific standard:
 - International Electrotechnical Commission (IEC) standard 62321:2008
- Get a certification (for lamps manufacturing):
 - By a certification body accredited by the Standards Council of Canada

Reporting

- **Manufacturers and importers of exempted or permitted products will have to submit annual reports to the Minister which include:**
 - information about the importer or manufacturer (or their authorized representative) such as name, contact information
 - information about the product such as its name, mercury content, description of use, quantity manufactured or imported, quantity sold
 - The permit number (if applicable)
- **The intent is to gather information that will facilitate measurement of performance indicators and enforcement of the regulations**
- **There are also record keeping requirements for 5 years**

Coming Into Force

- Publication in the *Canada Gazette*, Part II is targeted for 2012, with the regulations coming into force at least 6 months later (delayed entry into force).
- This timing is important because:
 - it will allow enough time for manufacturers and importers to come into compliance (e.g. product substitution and redesign, labelling redesign, importer awareness of the regulations)
 - amendments to NRCan's *Energy Efficiency Regulations*, which will phase out inefficient incandescent lamps, will come into force in 2014.

Next Steps

- The proposed regulations were published in *Canada Gazette*, Part I on February 26, 2011 for a 75-day consultation period
- Response to Comments to be published shortly
- Publication of Final Regulations and RIAS in *Canada Gazette*, Part II in 2012
- **If you require further information, please contact:**
Megan Lewis
Waste Reduction and Management Division
819-997-5876; megan.lewis@ec.gc.ca
- **Web Links:**
<http://www.ec.gc.ca/mercure-mercury/default.asp?lang=En&n=7EB39FAC-1>
<http://www.ec.gc.ca/lcpe-cepa/eng/regulations/detailReg.cfm?intReg=203>

Extended Producer Responsibility for Mercury- Containing Lamps Regulations

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Extended Producer Responsibility

- Extended Producer Responsibility (EPR) programs give 'producers' the mandate to be responsible for the environmentally sound management of their end-of-life products
- Producers must develop stewardship programs that cover many aspects of management including collection, handling, processing, recycling, storage and disposal
- In Canada there are voluntary, municipal and provincial EPR programs for oil, paint, batteries, tires, etc.

Mercury in Lamps – Why Regulate?

- Lamps will be exempted from the Mercury-containing Products Regulations
- In 2008, Canadian lamp sales were approximately 130 million lamps using 2.1 tonnes of mercury
- Based on 2010 data, it is estimated that approximately 10% of end-of-life lamps are being recycled
- Sales are expected to grow due to the January 2014 phase-out of incandescent lamps under Natural Resources Canada's *Energy Efficiency Regulations*

Mercury in Lamps – Why Regulate? (cont'd)

- In 2009, CCME published a document proposing a *Canada-Wide Action Plan* for EPR to have key priority products, including lamps, incorporated into an EPR framework and/or regulations
- Three provinces (BC, QC & MB) have EPR regulations for lamps and all Canadians should have access to a similar program
- To reduce the risk of mercury to the environment and human health:
 - Mercury-containing lamps should be collected
 - Lamps should be directed to recovery/recycling facilities
 - All of the above operations should be done in an environmentally sound manner



Proposed Components of EPR Regulations

- The EPR Regulations for lamps will be based on the *CCME Action Plan* and will be in line with other existing provincial EPR regulations for lamps
- Regulations will target mercury-containing lamps from residential and commercial sectors.
- The intention is to require producers of a targeted product to:
 - develop and implement a stewardship program
 - meet the performance targets
 - submit annual reports

Proposed EPR Regulations (cont'd)

- The proposed Regulations will address application, the stewardship program, reporting and record keeping
- Should coincide with amendments to the *Energy Efficiency Regulations* to come into force by 2014 to meet the increased need for lamp recycling
- Could divert up to 2.1 tonnes of mercury releases from lamps annually

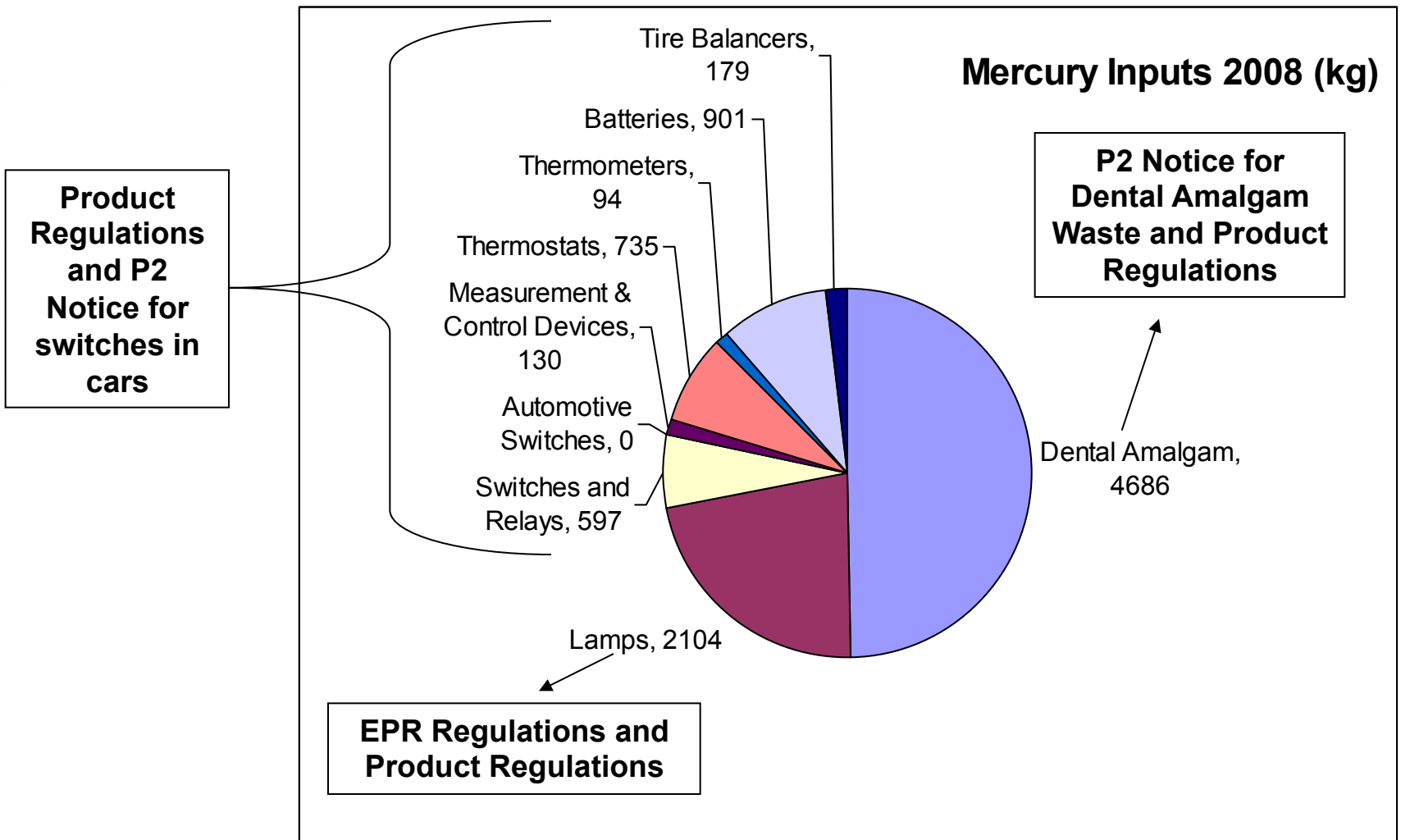
Stewardship Program

- A Stewardship Program is a document in which producers will detail how they will manage lamps in an environmentally sound manner.
- Producers may contract a third party to develop and implement a plan on their behalf, but they will remain the entity liable under the proposed Regulations
- Potential EPR principles:
 - environmentally sound management;
 - access to collection infrastructure;
 - education;
 - program funding;
 - assessment of program performance.

Status and Next Steps

- Drafting of the proposed regulations started in July 2011
- UNEP negotiations on a legally binding instrument
- Next Steps:
 - Develop the proposed regulations (Summer-Fall 2011)
 - Publish the proposed regulations in *Canada Gazette*, Part I (April 2012)
 - Consultation period (60 days following publication)

Conclusion: Risk Management of Mercury in Products



Thank you!

- Questions?



- Contact information

Caitlin Gillespie
Program Analyst
Waste Reduction and Management Division
Environment Canada
(819) 934-6059
caitlin.gillespie@ec.gc.ca