Updated - April, 2016

Canada: Product Safety Profile

Principal website:

Legislative framework

The legislative framework in Canada is established in the *Canada Consumer Product Safety Act* (CCPSA). The Act sets out general requirements and powers, and contains a provision to make regulations. There are currently over 30 regulations under the CCPSA that outline more specific requirements for certain consumer products and/or hazards. In addition, the Act contains a schedule of prohibited consumer products (Schedule 2).

The CCPSA is administered by Health Canada, specifically the Consumer Product Safety Program. Note that cosmetics, which are subject to the *Cosmetic Regulations under the Food and Drugs Act*, are also administered by the Program.

Web reference:
http://laws-lois.justice.gc.ca/eng/acts/C-1.68/index.html
http://laws-lois.justice.gc.ca/eng/acts/F-27/index.html

How are the rules for product requirements set?

The CCPSA modernised Canada's product safety system and introduced new tools to prevent or address dangers to human health or safety posed by consumer products. These include powers to order corrective measures or mandatory product recalls, and an administrative monetary penalties scheme with fines up to CDN$25,000 per day for non-compliance with an order.

The CCPSA contains a general prohibition against the manufacture, import, advertisement or sale of consumer products that are a danger to human health or safety.

It also includes other prohibitions against the manufacture, import, advertisement or sale of consumer products that are prohibited or that do not meet regulatory requirements.

For some consumer products, specific product requirements are set out in regulations. Such regulations may outline specifications or make reference to an existing standard. Standards that are incorporated by reference in regulations are considered to be 'mandatory standards'. In the case where there are no regulations set out for a specific product, suppliers may look to an available health and/or safety standard as part of their due diligence. Suppliers may also look to published guidelines from Health Canada or another relevant organization (e.g. regulators in other jurisdictions, industry associations, etc.).

How are goods prohibited from sale for safety reasons?

Orders for mandatory recall can be made for consumer products where the Minister believes on reasonable grounds that they pose a danger to human health and safety.

This determination of whether a consumer product poses a danger to human health or safety is informed by risk assessments, through inspections, product testing or lab reports, and/or professional judgement from the Consumer Product Safety Program, among other considerations.

While there are a number of enforcement powers in the CCPSA to address dangers to human health and safety (including product specific regulations), the Program usually takes a step-wise approach to enforcement where appropriate, first considering voluntary measures.

Are there notification requirements?

A person who manufactures imports or sells a consumer product for commercial purposes must report incidents to Health Canada. Incidents are defined as any occurrence, defect, characteristic, or incorrect or insufficient labelling that resulted or may reasonably have been expected to result in death, serious injury or serious adverse health effects. Incidents also include recalls or other measures initiated by another jurisdiction for health and safety reasons.

Such incidents must be reported to Health Canada and the manufacturer within two days. A manufacturer (or if the manufacturer carries on business outside Canada, an importer) of a product that is involved with a reportable incident in Canada is also required to submit to Health Canada a more detailed written report. This report must be submitted within ten days after the day on which they became aware of an incident unless Health Canada specifies a different timeframe

Health Canada's website: http://www.hc-sc.gc.ca/cps-spc/legislation/acts-lois/ccpsa-lcspc/indust/guide-reporting-declaration/index-eng.php

Are there likely to be any changes to regulatory arrangements?

Federal government departments and agencies are required to make their forward regulatory plans publicly available on their websites annually; Health Canada's Forward Regulatory Plan provides information on planned and potential regulatory initiatives that Health Canada expects to bring forward over the next two years. It is intended to give consumers, business, other stakeholders and trading partners greater opportunity to inform the development of regulations and to plan for the future. This Plan will be adjusted and updated over time as Health Canada's operating environment also changes over time. A list of Government-wide forward regulatory plans is also available on the Treasury Board of Canada Secretariat's website.

Web reference:

Treasury Board of Canada Secretariat's website: http://www.tbs-sct.gc.ca/rtrap-parfa/plan-eng.asp

Health Canada's website: http://www.hc-sc.gc.ca/ahc-asc/legislation/acts-reg-lois/frp-ppr/2016-2018/index-eng.php