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BILL C-52

Canada Consumer Product Safety Act

AN OVERVIEW

National Standards System Conference

St. John's, Newfoundland & Labrador

June 4th, 2008

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The Reasons

- Although it works effectively, there is a recognition that the product/hazard-specific approach in the *Hazardous Products Act* has not kept pace with the modern global marketplace.
- Need an even playing field for all of industry; so those who take their responsibilities seriously aren't disadvantaged.
- December 17, 2007 - PM announced Canada's Food and Consumer Safety Action Plan
 - > For food, health and consumer products
 - > Recognizes a shared responsibility between industry, government and consumers
 - > Included new consumer product legislation - the introduction of a new *Canada Consumer Product Safety Act*, and a modernized *Food and Drugs Act*
- Based on principles of:
 - > corporate responsibility
 - > empowering consumers to make prudent choices
 - > enabling government - oversight function



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The Approach

- Elements of Action Plan, and legislation - focus on three pillars:
 - > **Active Prevention** - addressing and avoiding problems before they arise
 - > **Targeted oversight** - through strategic compliance and enforcement activities; including reporting of incidents
 - > **Rapid Response** - when problems arise, ability to order action or take it when industry fails to



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The Key Features of the Act

- Preamble setting out the intentions of Parliament, including:
 - > Protection of the public (from dangers associated with consumer products)
 - > Everyone has a role to play - a shared responsibility
 - > Precautionary principle - growing expectation
 - > Encourage compliance
- Purpose
 - > Addressing/preventing dangers to human health or safety posed by consumer products



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The Key Features of the Act (cont'd.)

- Definitions:
 - > “consumer product”
 - includes components, parts and accessories
 - attainable by individuals (not commercial products)
 - > “danger to human health or safety”
 - existing or potential hazards during normal/foreseeable use
 - death or adverse effect on health (illness, injury, adverse reactions)
 - not restricted to acute or immediate health incidents
 - also includes chronic effects due to exposure over time



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The Key Features of the Act (cont'd.)

- Prohibitions:
 - > Against marketing products that are:
 - Prohibited as per Schedule 2
 - Non-compliant with regulations
 - General Prohibition on products that present “a danger to human health or safety”
 - Recalled or the subject of corrective measures that have not been carried out
 - That are the subject of false, misleading or deceptive claims (relating to health and safety) including false certification marks



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The Key Features of the Act (cont'd.)

- Need for product/hazard regulations still exists - authority and likelihood of introduction remains - including incorporation of consensus standards by reference
- Ability to require tests to verify compliance
- Record-keeping to allow traceability in the event of a recall
- Mandatory reporting by industry on incidents with their products
- Ability to order recall and corrective action
- Increased fines and penalties; as well as an administrative monetary penalties system (AMPs)



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Status and What's next?

- Parliamentary process:
 - > Passed Second Reading Debate and referred to the Standing Committee on Health (HESA) on May 1st, 2008 for further study including hearing witnesses - industry, NGOs, OGDs, etc.
 - > Report Stage / Third Reading Senate ... Royal Assent
- Implementation:
 - > Regulations made through regular regulation-making process with consultation
 - > Design policies/guidelines - ongoing
 - > Provide information and education, outreach - ongoing



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Other Elements of the Action Plan

- Increased use of the National and International Standards System:
 - > Support for the general prohibition, including ISO COPOLCO work items on product safety and recall
 - > Support for consumer, public industry, SME participation
 - > Increased participation in and use of standards by Health Canada



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Other Elements of the Action Plan

- Strategic Stakeholder Outreach:
 - > More information to consumers
 - > Increased visibility for reporting complaints and incidents
 - > More consultation on issues and priorities
 - > Continue work with existing (and new) advisory committees



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More Information, Comments, Questions

- Action Plan: www.healthycanadians.ca
- Bill C-52: <http://www.parl.gc.ca/LEGISINFO/>
- Email: CPS-SPC@hc-sc.gc.ca

Thank You.

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