



June 16, 2023

The Honourable Steven Guilbeault
Minister of the Environment
c/o Christina Paradiso
Executive Director Chemicals Management, Environmental Protection Branch
Department of the Environment
351 Saint-Joseph Boulevard, Gatineau, Quebec K1A 0H3
Via Email: ec.interdiction-prohibition.ec@ec.gc.ca

Subject: Notice of Objection to the proposed Prohibition of Certain Toxic Substances Regulations, 2022 (Canada Gazette, Part I, Volume 156, Number 20 – May 14, 2022)

Dear Minister Guilbeault:

The Energy Industry Electrical Engineering Association (EIEEA) hereby submits this notice of objection to the proposed Prohibition of Certain Toxic Substances Regulations, 2022 (“PCTSR” or “draft Regulation”) published in the May 14, 2022 Canada Gazette, Part I, Volume 156, Number 20 pertaining to decabromodiphenyl ethane (“DBDPE”).

The basis for Environment and Climate Change Canada (ECCC) determining that DBDPE meets the criteria under paragraph 64(a) of the Canadian Environmental Protection Act (CEPA 1999) is flawed. Their conclusions are derived from simulations and synthetic conditions that do not occur in the real world. Banning the use of DBDPE in Canada is therefore unjustified and offers no practical benefit. On the contrary, banning DBDPE will have a negative impact on many industries including the energy industry.

Use of DBDPE is important to industry for its flame retarding properties when used in certain products such as wire and cable. Electrical and electronic products incorporating DBDPE are essential for fire safety solutions in industrial installations that must meet the requirements of safety codes such as the National Building Code and the Canadian Electrical Code.

There are currently no practical alternatives available in the market that would provide equivalent fire retarding performance as DBDPE. The proposed ban would therefore lead to significant supply chain disruptions while manufacturer’s research, re-engineer, and re-certify products with some other unknown fire retarding alternative.

Furthermore, a ban on DBDPE is not aligned with global regulations and there are no other known nations pursuing such a ban. This will close off the global market from supply to Canada, making Canada less competitive and less attractive to investment. Canadian industry may no longer be able to source certain products from other regions around the globe. Banning the use of DBDPE will result in significant cost increases and major schedule delays on future energy industry projects, including energy transition projects.

The EIEEA seeking elimination of DBDPE in Canada has no merit, there is no benefit and no practical rationale justifying such a ban. Instead, it would negatively impact Canadian industry and the Canadian economy in general. The EIEEA urges you to reconsider and reject any proposals to ban the use of DBDPE in Canada.

Thank you for your consideration.

Best Regards,

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The EIEEA organization has existed since 1979. It consists of senior engineering personnel in the Canadian energy industry, representing 17 petrochemical/oil & gas User companies, 4 EPC (engineering, procurement, construction) companies, and 12 engineering consultants. The EIEEA meets monthly to share information on electrical technology, safety, practices, incidents, codes, standards, and regulatory. 12 members participate directly on CSA codes and standards committees.