



DEC 29 2025

Ms. Tammy Giroux
Manager, Government Relations
General Motors of Canada Company
tammy.giroux@gm.com

Dear Ms. Giroux:

This letter is in response to your Notice of Objection and request to establish a board of review to the publication of the proposed Prohibition of Certain Toxic Substances Regulations, 2022 (proposed Regulations), which was received by Environment and Climate Change Canada on July 13, 2022. The proposed Regulations were published in the *Canada Gazette*, Part I, on May 14, 2022.

I have carefully considered all the issues in your Notice of Objection, including those dealing with the nature and extent of the danger posed by decabromodiphenyl ethane (DBDPE) and the other questions and considerations that you brought to my attention. In my opinion, your Notice of Objection does not raise sufficient uncertainty or doubt in the science underlying the proposed Regulations that would warrant the establishment of a board of review under subsection 333(1) of the *Canadian Environmental Protection Act, 1999*. Therefore, I am denying your request, and I will not establish a board of review. The reasons for my decision are explained below and in the Annex to this letter.

Responses to comments in your Notice of Objection related to the outcomes of the screening assessment for DBDPE, which concluded that there is a risk of harm to the environment due to the persistence and widespread occurrence of DBDPE in the environment along with the potential for bioaccumulation and toxicity of its transformation products, are provided in the Annex.

The comments in your Notice of Objection regarding the development of the proposed Regulations have been considered alongside other comments received on these regulations. The specific points you have raised on the proposed Regulations and how they will be addressed are also summarized in the Annex to this letter. Your Notice of Objection raised specific concerns on the proposed exemptions for DBDPE, and to address these concerns, the proposed timeline of

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the DBDPE exemptions will be extended by an additional 10 years (i.e. extended from 5 years to 15 years for new products and from 20 years to 30 years for replacement parts) and the scope of these exemptions will be broadened to include all manufactured items and additional intermediate materials. This extended timeline will allow all stakeholders additional time for the research and development of alternatives, testing and certification, and transitioning their manufacturing and supply chains. Broadening the scope of the DBDPE exemptions will help to reduce the risk of prohibiting critical components, reduce the need to apply for permits under the proposed Regulations for non-exempted parts, and reduce compliance burden of stakeholders throughout the supply chain.

Please note that the comments on the proposed Regulations will be summarized in the Regulatory Impact Analysis Statement that will be published with the final *Prohibition of Certain Toxic Substances Regulations, 2025* (2025 Regulations) in the *Canada Gazette*, Part II, which describe how these matters have been addressed.

I appreciate your bringing your concerns to my attention. Please accept my best regards.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Julie Dabrusin', with a stylized flourish at the end.

The Honourable Julie Dabrusin, P.C., M.P.

Att.

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- 1) In your Notice of Objection, you commented that you provided information that a minimum of 10 years is required to phase out DBDPE but the current proposal fails to provide the necessary transition period and that due long lead times are required to the design, testing, and sourcing of vehicle components before they move to a 5-year production lifecycle. Furthermore, you commented that the lack of available drop in replacement flame retardants means you cannot meet the proposed phase-out deadline and the proposed risk management may cause significant harm to the auto sector in Canada, including manufacturing and sales impacts.

Please refer to the points 2, 3 and 4 (below), regarding the above concerns.

- 2) The following provides a summary of comments related to “*Role of DBDPE in Auto Manufacturing*” as set out in your Notice of Objection and the analysis of the information you have provided:

- 2A) In your Notice of Objection, you commented that DBDPE is used as a substitute for decaBDE, which was phased out in alignment with global agreements and regulations and that DBDPE is used as a flame retardant to meet critical flammability standards and safety requirements in products such as motor vehicles.

Flame retardant substances are generally used to meet performance-based flammability requirements. These requirements do not specify what chemical flame retardants need to be used; rather they may require a product or component to pass a laboratory test such as a cigarette smolder or open flame ignition test (ASTM 2014). Using chemical flame retardants such as DBDPE in products is one of the ways by which companies can meet flammability requirements for their products. Alternate substances as well as non-chemical-based alternatives may also be used to replace the use of DBDPE as a flame retardant in various applications.

It is not specified which alternatives industry should transition to as it is contingent upon industry to identify and transition to appropriate alternatives. To support industry and stakeholders in their transition to safer alternatives, a [summary of flame retardant assessments and management conducted under the Canadian Environmental Protection Act, 1999](#) has been published.

Risk management options take into consideration risks to be managed and may include the use of existing or new risk management instruments. Risk management tools are selected to best address the risk and existing risk management instruments can be used, such as the proposed *Prohibition of Certain Toxic Substances Regulations, 2022*, to minimize regulatory duplication in instruments.

- 2B) In your Notice of Objection, you provided comments that the short timeline and the prohibition of DBDPE proposed in Canada may cause significant harm to Canadian

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automotive sector manufacturing and sales and that the Regulatory Impact and Analysis Statement (RIAS) does not reflect the significant time and costs (including job losses) associated with switching to alternatives on such a short timeline which requires research and development, prototyping, performance testing, manufacturing retooling, and regulatory compliance certification.

In addition to the concerns you have raised in your Notice of Objection, a number of similar comments were received during the public comment period for the proposed Regulations. To address these concerns, the proposed timeline of the DBDPE exemptions will be extended by an additional 10 years (i.e. extended from 5 years to 15 years for new products and from 20 years to 30 years for replacement parts) and the scope of the DBDPE exemptions will be broadened to include all manufactured items and additional intermediate materials. This extended timeline will allow all stakeholders additional time for the research and development of alternatives, testing and certification, and transitioning their manufacturing and supply chains. Broadening the scope of the DBDPE exemptions will help to reduce the risk of prohibiting critical components, reduce the need to apply for permits under the Regulations for non-exempted parts, and reduce compliance burden of stakeholders throughout the supply chain.

- 3) **The following provides a summary of comments related to “Timeline for alternative formulations” as set out in your Notice of Objection and the analysis of the information you have provided:**

In your Notice of Objection, you provided comments that transitioning flame retardants is an iterative process that may take 5 years to identify an alternative and longer, up to 15 years, to completely transition. In addition, you commented that when testing alternative formulations to meet flammability requirements, they must be tested for other automotive considerations such as durability, UV resistances, cold cracking, etc. In addition, you noted that the Department is currently assessing other flame retardants that are possible alternatives; however, until assessments are complete the industry is without clear direction and has a potential for regrettable substitution to occur.

Please refer to the response to point 2B (above) respecting the extended timeline for, and broadened scope of the DBDPE exemptions.

- 4) **The following provides a summary of comments related to “Impacts to North American Integrated Auto Sector” as set out in your Notice of Objection and the analysis of the information you have provided:**

In your Notice of Objection, you noted that the prohibition of DBDPE proposed in Canada poses a risk to Canadian automotive industry, including electric vehicle partnerships. In addition, you commented that with only Canada being the only

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jurisdiction proposing to limit DBDPE in motor vehicles means that vehicle manufacturers cannot leverage global efforts which undermines harmonized North American market and economies of scale for the Canadian market.

Canada has been one of the first countries to lead action on flame retardants and was the first country to complete a risk assessment and propose risk management of DBDPE; however, Canada is not alone and since then international action for DBDPE has been underway or has been finalized.

In March 2023, the European Union (EU), under the [European Chemicals Agency \(ECHA\)](#) published their [Regulatory strategy for flame retardants](#), which has a focus on brominated flame retardants and their prioritization for restriction, including DBDPE. This document noted that:

For decabromodiphenyl ethane (EC 284-366-9, DBDPE) data was requested regarding potential bioaccumulation under substance evaluation and has been assessed by the PBT expert group. The available data, including field studies, appear to confirm the Persistent, bioaccumulative and toxic (PBT) properties of the substance.

Furthermore, on October 31, 2024, ECHA updated the [substance evaluation status for DBDPE](#) as 'Concluded' and published a [Substance Evaluation Conclusion and Evaluation Report](#) that considers DBDPE to meet the [Regulation on the registration, evaluation, authorisation and restriction of chemicals \(REACH\)](#) Annex XIII very persistent and very bioaccumulative criteria, wide dispersive use and high aggregated tonnage concerns and the need for follow-up regulatory action at the EU level. The report notes the restriction of aromatic brominated flame retardants as proposed in ECHA's Regulatory strategy for flame retardants appears as a logical continuation following a formal hazard identification as very persistent and very bioaccumulative for DBDPE.

On June 27, 2025, ECHA published a [proposal](#) for identification of DBDPE as a substance of very high concern (SVHC) on the basis of the criteria set out in REACH Article 57. A [REACH Annex XV report](#) was prepared by Sweden to support the proposal for identification of DBDPE as a SVHC.

In the United States (US), DBDPE is listed as a new chemical and is subject to a [Significant New Use Rule](#), which requires manufacturers and processors to notify the US [Environmental Protection Agency \(EPA\)](#) before a new use for the manufacture, import or processing of DBDPE begins. In June 2021, the EPA made [DBDPE subject to a Final Health and Safety Data Reporting rule](#) pursuant to the [Toxic Substances Control Act \(TSCA\)](#) as part of a grouping of 30 organohalogen flame retardants being evaluated for risks by the [Consumer Product Safety Commission \(CPSC\)](#). In January 2024, the CPSC published [Organohalogen Flame Retardant Scope Document: Polyhalogenated Benzene](#)

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[Aliphatic and Functionalized Subclass](#) report (the PHBzAF subclass, which includes DBDPE) which concludes that “the PHBzAF subclass has sufficient data to proceed with risk assessment”. Furthermore, DBDPE is restricted in some consumer products under general flame retardant restrictions in some states, such as [California](#), [Maine](#), and [New Hampshire](#).

In August of 2021, Australia published their [assessment of DBDPE](#) and found that DBDPE:

meets the persistence, bioaccumulation, adverse effects in aquatic and terrestrial organisms and long-range transport criteria of Annex D of the Stockholm Convention on Persistent Organic Pollutants. Therefore, on the basis of the current hazard information available, the assessed chemical could pose an unreasonable risk to the environment.

The Australian report also recommended control measures be developed under the [Industrial Chemicals Environmental Management \(Register\) Act 2021](#).

On June 26, 2025, the Australian government finalized its risk management for DBDPE after publishing a statutory public consultation on the proposed risk management for DBDPE in April 2025. The [Industrial Chemicals Environmental Management Standard for decabromodiphenyl ethane \(DBDPE\)](#) is a final scheduling decision to list DBDPE to Schedule 6 of the [Industrial Chemicals Environmental Management \(Register\) Instrument 2022](#). Schedule 6 of this instrument lists “Relevant industrial chemicals that are likely to cause serious or irreversible harm with essential uses” and specifies the risk management measures, including prohibitions and restrictions, that apply to the relevant industrial chemical or a mixture or article containing such a chemical (Australia, 2025).

Canadian risk management for DBDPE takes into consideration actions taken in jurisdictions, including the EU and the US, with the possibility of aligning where appropriate.

- 5) In your Notice of Objection, you requested the Minister to appoint a board of review to inquire in the nature and extent of danger posed by DBDPE to determine if the restrictions as proposed are commensurate with the safety benefits when used in motor vehicles; Reassess the RIAS to reflect the potential harm that will arise if sufficient time isn't provided to appropriately assess and transition to an alternative (without the benefit of understanding the Canadian government final assessment of the remaining flame retardants); and, Assess if alternative risk management approaches would reach the desired outcome to reduce risk of exposure to possible degradation products of DBDPE in the environment.**

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Please refer to the points 2, 3 and 4 (above).