Ministre de l'Environnement,
du Changement climatique
et de la Nature

Minister of the Environment,
Climate Change
and Nature

Ottawa (Ontario), Canada K1A 0A6

DEC 2 9 2025

Ms. Evelyne Barré
Director General
MCPP France - Mitsubishi Chemical Group
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Dear Ms. Barré:

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 6, 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.

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 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

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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,

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

Att.

Annex

Minister of Environment and Climate Change Canada
Detailed Responses to Notice of Objection Comments

1) **The following provides a summary of comments related to "*Proposed Risk Management Measures May Lead to Severe Risk to Public Health and Safety*" as set out in your Notice of Objection and the analysis of the information you have provided:**

1A. In your Notice of Objection, you commented that DBDPE is used as a flame retardant to meet international flammability standards and safety requirements in products such as consumer devices, appliances, airplanes and motor vehicles, and specifically in TPE compounds for automotive application wires and cables.

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.

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.

1B. In your Notice of Objection, you provided comments that due to the lack of available alternatives for DBDPE in some products such as automotive application cables and that without suitable alternatives, increased flammability of products will create health and safety risks.

Please refer to the response to point 1A (above) respecting the extended timeline for, and broadened scope of the DBDPE exemptions.

2) **The following provides a summary of comments related to "*Proposed Risk Management Measures May Lead to Supply Chain Disruptions*" as provided in your Notice of Objection and the analysis of the information you have provided:**

Annex

Minister of Environment and Climate Change Canada
Detailed Responses to Notice of Objection Comments

In your Notice of Objection, you provided comments that global product manufacturers take into consideration regulatory, design, performance requirements which are addressed through a complex global supply chain for components and subcomponents and significant time and costs are associated with switching to alternatives which require research and development, prototyping, performance testing, manufacturing retooling, and regulatory compliance certification. Furthermore, you commented that you disagree with the Regulatory Impact Analysis Statement (RIAS) that the proposed permits and exemptions are sufficient for stakeholders due to the lack of available alternatives for DBDPE in some products and unknown costs throughout the global supply chain. You also commented that existing alternatives are not suitable due to impacts on final product properties and performance.

Please refer to the response to point 1A (above) respecting the extended timeline for, and broadened scope of the DBDPE exemptions.

With respect to the estimated cost for transitioning to alternatives, it is acknowledged that the analysis does not monetize the full impact of the 2025 Regulations due to the limited information available on these substances and their possible alternatives. In response to these comments, a sensitivity analysis was done in the RIAS accompanying the 2025 Regulations to consider higher costs based on available information.

3) **The following provides a summary of comments related to "*Proposed Risk Management Measures for Polybrominated Diphenyl Ethers (PBDEs) do not Align with Global Regulations and Restrictions*" as provided in your Notice of Objection and the analysis of the information you have provided:**

In your Notice of Objection, you commented that the proposed concentration thresholds for incidental presence of PBDEs could put Canada at odds with some of its largest trading partners and consideration should be given to global regulatory alignment.

The incidental presence concentration threshold values in Schedule 3 of the proposed Regulations endeavored to align with those of other jurisdictions. The concentration thresholds for PBDEs (10 mg/kg (0.001 percent by weight) in a product that is a commercial grade substance, mixture, polymer or resin; and 500 mg/kg (0.05 percent by weight) for all other products) are aligned with the concentration thresholds for PBDEs in Annex I of the European Union's Regulation (EU) 2019/1021 of 20 June 2019 on persistent organic pollutants (EU's POPs Regulation). However, the EU's POPs Regulation derogates (or exempts) electrical and electronic equipment (EEE) within the scope of the European Union's Directive 2011/65/EU of 8 June 2011 on the restriction of

the use of certain hazardous substances in electrical and electronic equipment (EU RoHS Directive) which has a higher incidental presence concentration threshold of 1,000 mg/kg (0.1 percent by weight) for PBDEs.

To support international alignment with the EU RoHS Directive, the proposed incidental presence concentration threshold for PBDEs will be modified to align in specific EEE of 1,000 mg/kg (0.1 percent by weight).