

***The Canadian Environmental Protection Act, 1999* and Hazardous Waste and Hazardous Recyclable Materials**

Each year, millions of tonnes of waste are generated in Canada as by-products of industrial activity. This waste contains chemicals such as acids, phenols, arsenic, lead, and mercury, and is considered hazardous to human health and/or the environment if improperly handled.

Protecting the environment is everyone's responsibility. We can all help to protect the environment and human health by reducing the amount of hazardous wastes and hazardous recyclable materials generated, as well as by controlling and recovering more of it.

What is hazardous waste and hazardous recyclable materials?

In Canada, hazardous wastes and hazardous recyclable materials are defined as those with properties such as flammability, corrosiveness, or inherent toxicity. These wastes and materials can pose a variety of risks, from skin damage on contact to the contamination of ground water, surface water, and soil as a result of leaching into the environment.

Hazardous wastes and recyclables come from many sources, including material left over from industrial activities such as oil refining, chemical manufacturing and metal processing. Even some everyday household products such as used batteries, computers and other electronic equipment, cleansers, paints, and pesticides may be hazardous when improperly discarded or recycled.

Drivers for change

A number of international and domestic factors are driving changes in the way Canada handles its hazardous waste and recyclables. One factor is that Canada has ratified the United Nations' Basel Convention (<http://www.basel.int/index.html>), which requires the environmentally sound management of hazardous wastes and recyclables and reductions in exports for final disposal. Canada has also implemented the Organisation for Economic Co-operation and Development (OECD) Council Decision on the control of transboundary movements of waste destined for recycling, and has signed a separate bilateral agreement with the United States to control the transboundary movement of hazardous waste and recyclables, including municipal solid waste.

How CEPA 1999 affects hazardous waste and hazardous recyclable materials

CEPA 1999 builds on the federal government's authority to enact regulations that govern the export and import of hazardous wastes and hazardous recyclable materials, including transits through Canada and transits through other countries for shipments to and from Canada. By including separate definitions of hazardous wastes and hazardous recyclable material, it gives regulators the flexibility to manage recyclables differently than waste, if the proposed management method is considered environmentally sound. The Act also includes the authority to:

- set criteria to assess the environmentally sound management of wastes and hazardous recyclable materials and to refuse to permit import or export if the criteria are not met;
- require exporters of hazardous wastes destined for final disposal to submit export-reduction plans;
- regulate the export and import of prescribed non-hazardous wastes for final disposal; and
- control inter-provincial movements of hazardous wastes and hazardous recyclable materials.

CEPA 1999 contains provisions that require the Minister of the Environment to publish notification information (e.g., type of waste, company name, and country of origin or destination) for exports, imports, and transits of hazardous wastes and hazardous recyclable materials. The Minister also has the authority to issue permits, on a case-by-case basis, for the equivalent level of environmental safety, thereby allowing for variances with the regulations under specific conditions.

Regulations under CEPA 1999

Several regulations are currently in place to implement the authorities and conditions set out in CEPA 1999.

The *Export and Import of Hazardous Wastes Regulations* have been revised and replaced by the *Export and Import of Hazardous Waste and Hazardous Recyclable Material Regulations*, which came into force in November 2005. The revised regulations further contribute to the protection of the environment by improving controls on transboundary movements of hazardous waste and hazardous recyclable material, strengthening Canada's compliance with evolving international obligations, incorporating authorities under CEPA 1999, and modernizing the control regime.

The *PCB Waste Export Regulations* prohibit the export of wastes containing PCB in concentrations of 50 milligrams of PCBs per kilogram of waste or more destined for disposal to any country other than the United States.

In addition, Environment Canada is working on the following regulatory initiatives:

- developing new PCB regulations that will strengthen existing controls and propose deadlines for ending the use and storage of PCBs; and
- revising the *Interprovincial Movement of Hazardous Waste Regulations* to align the definitions of hazardous waste and hazardous recyclable material and the new movement document with those under the Export and Import of Hazardous Wastes Regulations.

The Government of Canada continues to work towards modernizing the management of hazardous wastes and recyclables by diverting waste toward environmentally sound recycling, minimizing hazardous waste generation, and promoting the use of greener technologies. All regulatory proposals and amendments are subject to the public consultation provisions contained in CEPA 1999.

Further information

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Additional information on CEPA 1999 is available on Environment Canada's Web Site at www.ec.gc.ca/ceparegistry.

Additional information on waste-related initiatives is also available on Environment Canada's Green Lane at www.ec.gc.ca/wmd-dgd/

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