



# FACT SHEET 2016-5: Ozone-depleting Substances and Halocarbon Alternatives Regulations: Methyl Bromide Transfers

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This fact sheet is not intended to replace the legal text of the *Ozone-depleting Substances and Halocarbon Alternatives Regulations* or to provide legal opinions. You are advised to retain a lawyer should you require a legal opinion.

## ***Ozone-depleting Substances and Halocarbon Alternatives Regulations***

The *Ozone-depleting Substances and Halocarbon Alternatives Regulations* (the Regulations) implement Canada's international obligations as set out in the *Montreal Protocol on Substances that Deplete the Ozone Layer*.

The Regulations will repeal and replace the *Ozone-depleting Substances Regulations, 1998* on December 29, 2016.

## **Methyl Bromide**

Methyl bromide has been used around the world since the 1930s as a pre-plant soil fumigant to control insects, pathogens and weeds, and to control insects in buildings and commodities. The import, manufacture and use of methyl bromide have been prohibited in Canada since 2005, with exemptions for quarantine applications, pre-shipment applications, use as feedstock, critical use, emergency use and laboratory and analytical uses.

## Methyl Bromide Transfers

Previously, domestic movements of methyl bromide were only permitted if the quantity was being transferred for the use for which it was imported. For example, a quantity of methyl bromide that was originally imported for use in quarantine applications could only be transferred to another company for use in quarantine applications.

To provide more flexibility in the domestic movement of methyl bromide to where it is needed for use in quarantine or pre-shipment applications, emergency and critical uses, the Regulations allow for transfers of methyl bromide under certain conditions. Within six months of a company determining that they no longer need the methyl bromide that was imported under a permit, a company may transfer the methyl bromide to another company for another use. Table 1 summarizes the uses for which transfers are allowed.

It should be noted that it is prohibited to transfer the permission to use methyl bromide for a critical use without written authorization from the Minister.

**TABLE 1:** Transfers of Methyl Bromide

Originally Imported for	May be transferred for
<i>Quarantine applications</i>	<i>Quarantine or pre-shipment applications, emergency or critical uses</i>
<i>Pre-shipment applications</i>	<i>Quarantine or pre-shipment applications, emergency or critical uses</i>
<i>Emergency use</i>	<i>Quarantine or pre-shipment applications, emergency or critical uses</i>
<i>Critical use</i>	<i>Quarantine or pre-shipment applications, emergency or critical uses</i>
Feedstock use	Feedstock use
Laboratory and analytical use	Laboratory and analytical use

## Regulatory compliance

Enforcement of the *Canadian Environmental Protection Act, 1999* and its Regulations will be undertaken in accordance with the Compliance and Enforcement Policy for the *Canadian Environmental Protection Act, 1999*.

Environment and Climate Change Canada's Enforcement Officers may undertake inspections in order to verify compliance. Whenever a possible violation is identified, Enforcement Officers may carry out investigations. The range of possible responses to alleged violations include warnings, directions, environmental protection compliance orders, tickets, ministerial orders,

injunctions, prosecution and environmental protection alternative measures. For more information, consult the Compliance and Enforcement Policy for the *Canadian Environmental Protection Act, 1999* at <https://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=5082BFBE-1>.

## For more information

Visit Environment and Climate Change Canada's Stratospheric Ozone website at [www.ec.gc.ca/ozone](http://www.ec.gc.ca/ozone) for more information regarding the *Ozone-depleting Substances and Halocarbon Alternatives Regulations* and Canada's Ozone Layer Protection Program.