Health Canada Santé Canada

Your health and safety… our priority.

Canada Consumer Product Safety Act

PRODUCT SAFETY IS IN EVERYONE'S INTEREST

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Canada

The purpose of the *Canada Consumer Product Safety Act* is to protect the public by addressing or preventing dangers to human health or safety that are posed by consumer products in Canada. The Act replaces Part I and Schedule I of the *Hazardous Products Act*.

DOES THE *CANADA CONSUMER PRODUCT SAFETY ACT* APPLY TO YOU?

You have responsibilities under the Act if you:

- manufacture a consumer product;
- import a consumer product into Canada;
- sell a consumer product;
- advertise a consumer product;
- test a consumer product; or
- package or label a consumer product.

A consumer product under the Act is a product that may reasonably be expected to be obtained by an individual to be used for non-commercial purposes, such as for household, recreational or sports purposes.

PRODUCTS EXCLUDED FROM THE ACT

Schedule 1 of the *Canada Consumer Product Safety Act* lists products that the Act does not cover. Examples of these products are explosives, cosmetics, drugs, food, medical devices and ammunition. All of these products are dealt with under other legislation.

The Act also does not apply to natural health products. Natural health products are regulated under their own regulatory framework, the *Natural Health Products Regulations* under the *Food and Drugs Act*.

The Act does apply to tobacco products but only in relation to their ignition propensity.

KEY REQUIREMENTS FOR INDUSTRY

Product safety is in everyone's interest. Under the *Canada Consumer Product Safety Act* you have certain responsibilities as a supplier of consumer products.

Prohibitions under the Act

There are a number of prohibitions in the Act, including prohibitions on:

- the manufacture, import, advertising or sale of products that pose an unreasonable hazard to human health and safety.
- the supply of:
  - products that are expressly prohibited (for example, jequirity beans and baby walkers);
  - products that do not comply with safety or performance requirements in product-specific regulations (for example, requirements for cribs, kettles, lighters, children's sleepwear, strollers and children's jewellery);
  - products that are labeled or packaged in a misleading manner as to their safety; or
  - products that have been recalled for health or safety reasons.

TESTS AND STUDIES

The Minister of Health (Health Canada) may require anyone who manufactures or imports consumer products into Canada for commercial purposes to conduct tests or studies on a product or compile information on a product considered necessary to verify compliance or prevent non-compliance with the Act or its regulations. The person may also be required to provide Health Canada with the documents that contain the information and the results of the tests or studies.

PREPARING AND MAINTAINING DOCUMENTS

Anyone who manufactures, imports, advertises, sells or tests a consumer product for commercial purposes must prepare and maintain certain records relating to suppliers and the location and time of retail sale of consumer products. The intent of the record-keeping requirements is to ensure that consumer products can be traced to their origin, for example in the case of a recall.

All required records must be kept for at least six years and provided to Health Canada on request.

REPORTING INCIDENTS

The *Canada Consumer Product Safety Act* sets out reporting responsibilities in relation to potential health or safety concerns with consumer products. These reporting responsibilities are intended to serve as an early warning and detection system with the purpose of reducing the number of unsafe or potentially unsafe consumer products on the Canadian market.

Anyone who manufactures a consumer product, imports a consumer product, or sells a consumer product must provide Health Canada and their supplier with information about reportable incidents within 2 days after they become aware of the incident.

To determine whether an event is a reportable "incident" the supplier must determine, among other things, whether their product is related to the suspected incident and that it meets one of the criteria for an incident, which are:

- an occurrence in Canada or elsewhere that resulted or may reasonably have been expected to result in an individual's death or in serious adverse effects on their health, including a serious injury;

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- a defect or characteristic that may reasonably be expected to result in an individual's death or in serious adverse effects on their health, including a serious injury;
- incorrect or insufficient information on a label or in instructions, or the lack of label or instructions, that may reasonably be expected to result in an individual's death or in serious adverse effects on their health, including a serious injury; or
- a recall or measure that is initiated for human health or safety reasons by any of these entities:
  - a foreign entity,
  - a provincial government,
  - a public body established under provincial legislation,
  - an aboriginal government,
  - an institution of any of the above entities.

The manufacturer or the importer of the product must also provide a more detailed report about the incident, the product and any measures that they propose be taken within 10 days after they become aware of the incident.

CORRECTIVE MEASURES AND PRODUCT RECALLS

A supplier of a consumer product may voluntarily take corrective measures to bring a product into compliance with the Act or may voluntarily recall a product from the market.

Under certain circumstances, Health Canada may order a person to take corrective measures in relation to a product. Corrective measures include stopping the manufacturing, importing, selling or transportation of the product or anything else considered necessary to address or prevent a danger to human health or safety.

Health Canada may also order the recall of a consumer product that is considered to be a danger to human health or safety.

If a person does not comply with a recall order or an order to take corrective measures, Health Canada may carry out the recall or the corrective measures required at the person's expense.

Need more information?

For more detailed information on the *Canada Consumer Product Safety Act*, including the *Quick Reference Guide to the Canada Consumer Product Safety Act*, guidance documents and fact sheets, or to report an incident, visit www.healthcanada.gc.ca/productsafety.You can also contact a product safety officer in your region by calling 1-866-662-0666 or sending an email to CCPSA-LCSPC@hc-sc.gc.ca.

This document is a summary provided for convenient reference but should not be interpreted as Health Canada policy or a substitute for legislation. In case of any discrepancy between this document and legislation discussed here, the legislation shall prevail.