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# ❖ SPC&B Safety News ❖

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A Newsletter for Clients of Sharretts, Paley, Carter & Blauvelt, P.C.

June 9, 2011

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## *Canada's Consumer Product Safety Act Goes Into Effect*

### *June 20, 2011*



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On June 20, 2011, the Canada Consumer Product Safety Act (CCPSA), which grants to Health Canada enhanced enforcement capabilities, will go into effect. A summary of the major provisions of the CCPSA is set forth below.

#### **Prohibitions**

The CCPSA prohibits manufacturing, importing, advertising or selling the following products, the contravention of which constitutes a criminal offense:

- Prohibited products — Certain banned products are prohibited. Some examples of banned products include baby walkers; spectacle frames containing cellulose nitrate; and products made of textile fibers, intended for use as wearing apparel, that are treated with or contain tris (2,3 dibromopropyl) phosphate (a flame retardant). A complete listing of banned products is available on request.
- Products that do not comply with the regulations — Similar to the United States, Canada has a number of regulations providing safety and performance requirements for different categories of consumer products. The following are just a few of the regulated products and more detailed information on these and other products are available upon request:
  - Bed linens — flammability standard requires a flame spread of more than 7 seconds for non-raised fibers and more than 7 seconds exhibiting base burn for raised fibers
  - Children's jewelry — jewelry for children under 15 years of age cannot contain more than 600 ppm total lead and/or 90 ppm migratable lead
  - Children's sleepwear — flammability standard requires a flame spread of more than 7 seconds
  - Furniture and other articles for children; toys; pencils and artists' brushes — lead limit for paints and surface coatings recently reduced from 600 ppm to 90 ppm (see *SPC&B Safety News* of November 19, 2010)
  - Consumer products containing lead (contact with mouth) — lead limited to 90 ppm.
  - Toys — similar to the U.S., Canada has a toy safety standard containing numerous requirements applicable to that category of product

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- Products that are a danger to human health— products with hazards that are unreasonable, existing or potential, and are posed by the product’s normal or foreseeable use

### **Recalls and Corrective Measures**

Health Canada now has the authority to require manufacturers, importers, and/or sellers of consumer products to recall such products if they are a danger to human health or safety. The Ministry also can require that corrective action be taken to stop manufacture or modify the product so that it complies with applicable requirements.

### **Mandatory Incident Reporting**

Manufacturers, importers and sellers are required to provide information to Health Canada concerning consumer product safety “incidents” or product defects that result, or could reasonably be expected to result, in death or harmful health effects. This includes incorrect or insufficient information on a label or in instructions, that may reasonably be expected to lead to the same results, as well as recall orders or other corrective measures initiated in other jurisdictions.

### **Information on Product Safety**

Health Canada can require manufacturers or importers to provide or obtain safety information, such as studies or tests, that indicate whether a consumer product meets the requirements of the CCPSA.

### **Recordkeeping**

All required documents, including information on the person from whom the product was obtained, must be kept for at least six years. The documents must be kept in a place of business in Canada unless regulations specify another location.

If you would like more information about consumer product safety restrictions in Canada or elsewhere, please contact Gail Cumins at [gcumins@spcblaw.com](mailto:gcumins@spcblaw.com), Donna Shira at [dshira@spcblaw.com](mailto:dshira@spcblaw.com), or Alli Baron at [abaron@spcblaw.com](mailto:abaron@spcblaw.com), or call us at 212-425-0055, for further information.

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