Prohibition of Certain Toxic Substances Regulations, 2025: SOR/2025-270

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CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

P.C. 2025-921 December 11, 2025

Whereas, under subsection 332(1) [a] of the *Canadian Environmental Protection Act, 1999* [b], the Minister of the Environment published in the *Canada Gazette*, Part I, on May 14, 2022, a copy of the proposed *Prohibition of Certain Toxic Substances Regulations, 2025* under the title *Prohibition of Certain Toxic Substances Regulations, 2022* and persons were given an opportunity to file comments with respect to the proposed Regulations or to file a notice of objection requesting that a board of review be established and stating the reasons for the objection;

Whereas, under subsection 93(3) of that Act, the National Advisory Committee has been given an opportunity to provide its advice under section 6 [c] of that Act;

And whereas, in the opinion of the Governor in Council, under subsection 93(4) of that Act, the proposed Regulations do not regulate an aspect of a substance that is regulated by or under any other Act of Parliament in a manner that provides, in the opinion of the Governor in Council, sufficient protection to the environment and human health;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of the Environment and the Minister of Health, makes the annexed *Prohibition of Certain Toxic Substances Regulations, 2025* under subsection 93(1) [d] of the *Canadian Environmental Protection Act, 1999* [b].

Prohibition of Certain Toxic Substances Regulations, 2025

Application

Application

1 Subject to sections 2 to 4, these Regulations apply to toxic substances that are both specified on the list of toxic substances in Schedule 1 to the *Canadian Environmental Protection Act, 1999* and set out in column 1 of Schedule 1 to these Regulations, as well as to products containing any of those substances.

Non-application — certain toxic substances

2 These Regulations do not apply to a prohibited toxic substance set out in column 1 of Schedule 1 that

(a) is contained in a hazardous waste, hazardous recyclable material or non-hazardous waste to which Division 8 of Part 7 of the *Canadian Environmental Protection Act, 1999* applies;

(b) is contained in a *pest control product* as defined in subsection 2(1) of the *Pest Control Products Act*; or

(c) is present as a contaminant in a chemical feedstock that is used in a process from which there are no releases of the toxic substance and on the condition that the toxic substance is destroyed or completely converted in that process to a substance that is not a toxic substance set out in column 1 of Schedule 1.

Non-application — laboratory use

3 (1) Subject to subsection (2), these Regulations do not apply to a prohibited toxic substance set out in column 1 of Schedule 1 or to a product containing that substance if the substance or product is to be used in a laboratory for analysis, in scientific research or as a laboratory analytical standard.

Information to Minister — more than 10 g

(2) Every person who intends, in a calendar year, to use a prohibited toxic substance set out in column 1 of Schedule 1 or a product containing that substance for a purpose referred to in subsection (1), must submit to the Minister the information set out in Schedule 2 for that substance or product as soon as feasible before using more than 10 g of the substance, by itself or in the product, in that calendar year. The information must be submitted only once in a calendar year in respect of each substance or product.

Non-application — manufactured item in transit

4 These Regulations do not apply to a product in which a prohibited toxic substance set out in column 1 of Schedule 1 is present if that product

(a) is a manufactured item that is formed into a specific physical shape or design during its manufacture and has, for its final use, a function or functions dependent in whole or in part on its shape or design; and

(b) is in transit through Canada from a place outside Canada to another place outside Canada.

Prohibition and Authorized Activities

General Prohibition

Prohibited toxic substances — Schedule 1

5 (1) Subject to sections 6 to 9, a person must not manufacture, use, sell or import a prohibited toxic substance set out in column 1 of Schedule 1 or a product containing that substance, unless the toxic substance is incidentally present in that product.

Incidental presence

(2) A prohibited toxic substance set out in column 1 of Schedule 3 is considered to be incidentally present in a product if the total concentration of the substance is less than or equal to the concentration set out in column 2.

Authorized Activities

Authorized activities — Schedule 1

6 A person may conduct an activity set out in column 3 of Schedule 1, in respect of the corresponding prohibited toxic substance set out in column 1 or the corresponding product containing that substance set out in column 2, if the corresponding conditions set out in column 4 are met.

Transfer for disposal

7 The physical possession or control of a prohibited toxic substance set out in column 1 of Schedule 1 or a product containing that substance may be transferred within Canada to allow for the final disposal of the substance or product.

Permit — Certain Activities

Application

Continued manufacture or import

8 (1) A person who, on the day on which these Regulations come into force, is a manufacturer or importer of a prohibited toxic substance set out in column 1 of Schedule 1 or a product containing that substance may continue to manufacture or import the substance or product if they submit an application to the Minister for a permit to do so within 30 days after that day.

Added toxic substances

(2) In the case of a prohibited toxic substance that is added to column 1 of Schedule 1 after these Regulations come into force, a person who, on the day on which the regulations adding the toxic substance come into force, is a manufacturer or importer of that toxic substance or a product containing it may continue to manufacture or import the substance or product if they submit an application for a permit to the Minister to continue to do so within 30 days after that day.

Application until decision

(3) Subsections (1) and (2) apply until the day on which a decision is made by the Minister to issue or refuse to issue the permit.

Use or sale

(4) A person may use or sell a prohibited toxic substance, or a product containing that substance that is referred to in a permit application made under subsection (1) or (2) until the day on which a decision is made by the Minister to issue or refuse to issue a permit for that substance or product.

Permit eligibility

(5) A permit application referred to in subsection (1) or (2) may only be submitted if the activity for which the permit is being sought is specified in column 5 of Schedule 1 for the substance or product.

Time period

(6) A permit application referred to in subsection (1) or (2) must be submitted within the time period set out in column 5 of Schedule 1 for the substance or product referred to in the application.

Information

(7) A permit application must contain all the applicable information set out in Schedule 4.

Clarifications

(8) The Minister may require from the applicant any clarification that is necessary for the application to be processed.

Permit Issuance

Conditions of permit issuance

9 (1) The Minister must issue the permit referred to in subsection 8(1) or (2) if the following conditions are met:

(a) the applicant has demonstrated that, at the time of the application, there was no technically or economically feasible alternative or substitute for the prohibited toxic substance available to them other than a substance regulated under these Regulations;

(b) the applicant has demonstrated that they have taken the necessary measures to minimize or eliminate any harmful effect of the prohibited toxic substance on the environment and human health;

(c) the applicant has prepared a plan respecting the prohibited toxic substance that identifies the measures that they will take to comply with these Regulations; and

(d) the applicant has provided the period within which the plan is to be implemented and that period does not exceed three years from the day on which the permit is first issued.

Authorization

(2) A permit issued under this section authorizes the permit holder to continue to manufacture or import the prohibited toxic substance set out in column 1 of Schedule 1, or the product containing that substance for which the permit was issued for the period of validity of the permit.

Use or sale

(3) A person may use or sell a prohibited toxic substance, or a product containing that substance if the substance or product was manufactured or imported in accordance with a permit issued under subsection (1).

Implementation of measures

(4) A permit holder must implement and maintain the measures referred to in paragraphs (1)(b) and (c) for the period of validity of the permit.

Refusal

(5) The Minister must refuse to issue a permit if

(a) the Minister has reasonable grounds to believe that the applicant has provided false or misleading information in support of their application; or

(b) the information required under subsection 8(7) has not been provided or is insufficient to enable the Minister to process the application.

Expiry

(6) A permit expires on the first anniversary of the day on which it is issued or renewed.

Application for renewal

(7) An application for renewal must be made in accordance with this section and may only be made twice.

Clarifications

(8) The Minister may require from the applicant any clarification that is necessary for the application for renewal to be processed.

Renewal

(9) The Minister must renew the permit if

(a) the applicant submits an application for renewal at least 90 days before the day on which the permit expires; and

(b) the application contains the information set out in Schedule 4.

Notice of change to information

(10) The applicant must notify the Minister in writing of any change to the information provided under this section within 30 days after the day on which the change occurs.

Revocation

Revocation — grounds

10 (1) The Minister must revoke the permit if

(a) the Minister has reasonable grounds to believe that the permit holder has provided false or misleading information to the Minister; or

(b) the permit holder has not, for reasons within their control and to the extent feasible, implemented and maintained the measures in accordance with subsection 9(4).

Notice of revocation

(2) Before revoking a permit, the Minister must provide the permit holder with written reasons and an opportunity to make written representations concerning the revocation.

Accredited Laboratory

Accredited laboratory

11 (1) Any analysis performed to determine the concentration of a toxic substance for the purposes of these Regulations must be performed by a laboratory that meets the following conditions at the time of the analysis:

(a) it is accredited

(i) under the International Organization for Standardization standard ISO/IEC 17025, entitled *General requirements for the competence of testing and calibration laboratories*, by an accrediting body that is a signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement, or

(ii) under the *Environment Quality Act*, CQLR, c. Q-2; and

(b) subject to subsection (2), the scope of its accreditation includes the analysis performed to determine the concentration of the toxic substance.

Standards of good practice

(2) If no method has been recognized by a standards development organization in respect of the analysis performed to determine the concentration of a toxic substance and the scope of the laboratory's accreditation does not therefore include that analysis, the analysis must be performed in accordance with standards of good scientific practice that are generally accepted at the time that it is performed.

Submission Requirements

Certification

12 (1) Any information that is submitted under these Regulations must be accompanied by a certification, dated and signed by the individual submitting the information or by their authorized representative, stating that the information is accurate and complete.

Paper or electronic format

(2) Any document that is submitted under these Regulations may be submitted in paper format or in an electronic format that is compatible with the format that is used by the Minister.

Electronic signature

(3) If a document is submitted in electronic format, the document may be signed electronically.

Record Keeping

Records to be kept

13 (1) Every person that submits information to the Minister under these Regulations must keep records containing that information, including test data if applicable, and a copy of any supporting documents.

Five years

(2) The records must be kept for a period of five years after the day on which the information referred to in subsection (1) is submitted to the Minister.

Electronically compatible format

(3) Records that are kept electronically must be in an electronic format that is compatible with the format that is used by the Minister for the period referred to in subsection (2).

Location of records

(4) The records must be kept at the person's principal place of business in Canada or at any other place in Canada where they can be inspected. If the records are not kept at the person's principal place of business, the person must provide the Minister with the civic address of the place where they are kept.

Change of address

(5) If the civic address referred to in subsection (4) changes, the person must notify the Minister in writing within 30 days after the day on which the change occurs.

Consequential Amendment to the Regulations Designating Regulatory Provisions for Purposes of Enforcement (Canadian Environmental Protection Act, 1999)

14 Item 27 of the schedule to the *Regulations Designating Regulatory Provisions for Purposes of Enforcement (Canadian Environmental Protection Act, 1999)* [1] is replaced by the following:

Item	Column 1 Regulations	Column 2 Provisions
27	*Prohibition of Certain Toxic Substances Regulations, 2025*	(a) subsection 5(1)

Repeal

15 The *Prohibition of Certain Toxic Substances Regulations, 2012* [2] are repealed.

Coming into Force

Six months after publication

16 These Regulations come into force on the day that, in the sixth month after the month in which they are published in the *Canada Gazette*, Part II, has the same calendar number as the day on which they are published or, if that sixth month has no day with that number, the last day of that sixth month.

SCHEDULE 1

(Sections 1 to 4, subsection 5(1), sections 6 and 7, subsections 8(1), (2), (5) and (6) and 9(2) and sections 1 and 2 of Schedule 2)

Prohibited Toxic Substances and Authorized Activities

Item	Column 1 Prohibited toxic substance	Column 2 Product containing toxic substance	Column 3 Authorized activity	Column 4 Conditions
1	Dodecachloropentacyclo [5.3.0.$0^{2,6}$.03,9.$0^{4,8}$] decane (Mirex)			
2	Polybrominated Biphenyls that have the molecular formula $C_{12}H_{(10-n)}Br_n$ in which "n" is greater than 2			
3	Polychlorinated Terphenyls that have the molecular formula $C_{18}H_{(14-n)}Cl_n$ in which "n" is greater than 2			
4	Bis(chloromethyl) ether, which has the molecular formula $C_2H_4Cl_2O$			
5	Chloromethyl methyl ether, which has the molecular formula C_2H_5ClO			
6	(4-Chlorophenyl)cyclopropylmethanone,O-[(4-nitrophenyl)methyl]oxime, which has the molecular formula $C_{17}H_{15}ClN_2O_3$			
7	N-Nitrosodimethylamine, which has the molecular formula $C_2H_6N_2O$			
8	Hexachlorobutadiene, which has the molecular formula C_4Cl_6			
9	Dichlorodiphenyltrichloroethane (DDT), which has the molecular formula $C_{14}H_9Cl_5$			
10	Hexachlorobenzene			
11	Polychlorinated naphthalenes that have the molecular formula $C_{10}H_{8-n}Cl_n$ in which "n" is greater than 1	Any product	Use or sell product	The product was manufactured in C or imported befor March 14, 2013
12	Chlorinated alkanes that have the molecular formula $C_nH_xCl_{(2n+2-x)}$ in which 10≤n≤13	Any product	Use or sell product	The product was manufactured in C or imported befor March 14, 2013

13	Hexabromocyclododecane, which has the molecular formula $C_{12}H_{18}Br_6$	(1) Replacement parts for land-based motor vehicles	Use, sell or import product	The authorized ac occurs on or befo December 31, 203
		(2) Land-based motor vehicles that contain a replacement part set out in subitem (1)	Use or sell product	The authorized ac not subject to any condition
		(3) Expanded and extruded polystyrene foams, and their intermediary products, intended for a building or construction application	Use or sell product	The product was manufactured in C or imported befor January 1, 2017
		(4) Any product other than a product set out in any of subitems (1) to (3)	Use or sell product	The product was manufactured in C or imported befor day on which thes Regulations come into force

14	Polybrominated diphenyl ethers that have the molecular formula $C_{12}H_{(10-n)}Br_nO$ in which $4 \leq n \leq 10$	Any product that is a manufactured item that is formed into a specific physical shape or design during its manufacture and that has, for its final use, a function or functions dependent in whole or in part on its shape or design, other than a product set out in any of subitems 15(1) to (5)	Use or sell product	The product was manufactured in C or imported befor day on which thes Regulations come into force

15	Decabromodiphenyl ether, which has the molecular formula $C_{12}Br_{10}O$	(1) The following replacement parts for land-based motor vehicles that are no longer mass-produced as of the day on which these Regulations come into force: (a) powertrain applications and under-hood applications, such as battery mass wires, battery interconnection wires, mobile air-conditioning pipes, exhaust manifold bushings, under-hood insulation, wiring and harness under hood (for example engine wiring), speed sensors, hoses, fan modules and knock sensors; (b) fuel system applications, such as fuel hoses, fuel tanks and fuel tanks under body; (c) pyrotechnical devices and applications affected by pyrotechnical devices, such as front and side air bags, their ignition cables and the covers and fabrics that cover the air bags;	Use, sell or import product	The authorized ac occurs on or befo December 31, 203

(d) suspension applications and interior applications, such as trim components, acoustic materials and seat belts;

(e) instrument panels and interior trim made of reinforced plastics;

(f) the following parts located under the hood or dash:

(i) terminal and fuse blocks,

(ii) higher amperage wires, and

(iii) cable jacketing of spark plug wires;

(g) the following electrical and electronic equipment:

(i) battery cases and trays,

(ii) engine control electrical connectors,

(iii) components of radio disks,

(iv) navigation satellite systems,

(v) global positioning

systems, and (vi) computer systems; and (h) parts containing fabric, such as rear decks, upholstery, automobile seats, head rests, sun visors, headliners, trim panels and carpets		
(2) Land-based motor vehicles that contain a replacement part set out in subitem (1)	Use or sell product	The authorized ac not subject to any condition
(3) Electrical and electronic equipment, parts or replacement parts	Manufacture or import product	The product is des for use in nuclear in Canada and the authorized activity no later than five after the day on w these Regulations published in the C *Gazette*, Part II
(4) Electrical and electronic equipment, parts or replacement parts	Use or sell product	The product is des for use in nuclear in Canada

		(5) Any product that is a manufactured item that is formed into a specific physical shape or design during its manufacture and that has, for its final use, a function or functions dependent in whole or in part on its shape or design, other than a product set out in any of subitems (1) to (4)	Use or sell product	The product was manufactured in C or imported befor day on which thes Regulations come force
16	Benzidine and benzidine dihydrochloride, which have the molecular formulae $C_{12}H_{12}N_2$ and $C_{12}H_{12}N_2 \cdot 2HCl$, respectively	Any product	Manufacture, use, sell or import substance or product	The substance or is designed for on following uses: (a) as staining microscopic examination, s immunoperox staining, histo staining or cytochemical s (b) as a reage detecting bloc biological fluic (c) in a niacin t detect certain organisms; or (d) as a reage detecting chloralhydrate biological fluic

17	2-methoxyethanol, which has the molecular formula $C_3H_8O_2$	(1) Diethylene glycol methyl ether, which has the molecular formula $C_5H_{12}O_3$	Manufacture, use, sell or import product	The concentration substance in the p including any inci presence of the substance, is less equal to 5000 mg/ w/w)
		(2) Any product other than the product set out in subitem (1)	Manufacture, use, sell or import substance or product	The substance or is designed for on following uses: (a) as an adhe coating for air refinishing; or (b) as part of t process for manufacturin semiconducto
18	Perfluorooctane sulfonate and its salts and compounds that contain one of the following groups: $C_8F_{17}SO_2$, $C_8F_{17}SO_3$ or $C_8F_{17}SO_2N$	Any product that is a manufactured item that is formed into a specific physical shape or design during its manufacture and that has, for its final use, a function or functions dependent in whole or in part on its shape or design	Use or sell product	The product was manufactured in C or imported befor May 29, 2008

19	Perfluorooctanoic acid, which has the molecular formula $C_7F_{15}CO_2H$, and its salts, and compounds that consist of a perfluorinated alkyl group that has the molecular formula C_nF_{2n+1} in which n = 7 or 8 and that is directly bonded to any chemical moiety other than a fluorine, chlorine or bromine atom	(1) Aqueous film-forming foams	(a) Use the product to test installed firefighting systems, including both mobile and fixed systems for the suppression of liquid fuel vapour and liquid fuel fires; and (b) use the product for the emergency suppression of liquid fuel vapour and liquid fuel fires using installed firefighting systems, including both mobile and fixed systems	(a) All releases in the context authorized act out in paragra column 3 are contained and disposed of in environmenta manner; and (b) the author activity set out paragraph (a) column 3 occu before (i) December in the case mobile fire systems or ships and (ii) December in the case firefighting systems th part of mil ships and infrastruct (iii) December in the case other firefi systems
		(2) Aqueous film-forming foams	Sell product	The authorized ac carried out betwe mutual aid partne event of fires loca Canada as part of reconciliation of inventories and c following an auth emergency use u paragraph (1)(b) column 3 and no l than June 30, 202
		(3) Water-based inks and photo media coatings	Use or sell product	The product was manufactured in or imported befor January 1, 2017
		(4) Land-based motor vehicle parts	Use, sell or import product	The authorized ac occurs on or befo December 31, 202

(5) Land-based motor vehicles that contain a part set out in subitem (4)	Manufacture or import product	The authorized ac occurs on or befo December 31, 202
(6) Replacement parts for land-based motor vehicle that are no longer mass-produced as of January 1, 2027	Use, sell or import product	The authorized ac occurs on or befo December 31, 204
(7) Land-based motor vehicles that contain a part set out in subitem (4) or a replacement part set out in subitem (6)	Use or sell product	The authorized ac not subject to any condition
(8) Electrical and electronic equipment parts other than parts set out in subitem (4), containing semiconductors manufactured by photolithography or etch processes	Use, sell or import product	The authorized ac occurs on or befo December 31, 202
(9) Electrical and electronic equipment containing a part set out in subitem (8)	Manufacture or import product	The authorized ac occurs on or befo December 31, 202
(10) Electrical and electronic equipment replacement parts other than parts set out in subitem (6), containing semiconductors manufactured by photolithography or etch processes	Use, sell or import product	The authorized ac occurs on or befo December 31, 202

		(11) Electrical and electronic equipment containing a part set out in subitem (8) or a replacement part set out in subitem (10)	Use or sell product	The authorized ac not subject to any condition
		(12) Any product that is a manufactured item that is formed into a specific physical shape or design during its manufacture and that has, for its final use, a function or functions dependent in whole or in part on its shape or design, other than a product set out in any of subitems (4) to (11)	Use or sell product	The product was manufactured in C or imported befor day on which thes Regulations come force

20	Perfluorocarboxylic acids that have the molecular formula $C_nF_{2n+1}CO_2H$ in which $8 \leq n \leq 20$ and their salts, and compounds that consist of a perfluorinated alkyl group that has the molecular formula C_nF_{2n+1} in which $8 \leq n \leq 20$ and that is directly bonded to any chemical moiety other than a fluorine, chlorine or bromine atom	(1) Aqueous film-forming foams	(a) Use the product to test installed firefighting systems, including both mobile and fixed systems for the suppression of liquid fuel vapour and liquid fuel fires; and (b) use the product for emergency suppression of liquid fuel vapour and liquid fuel fires using installed firefighting systems, including both mobile and fixed systems	(a) All releases in the context authorized act out in paragra column 3 are contained and disposed of in environmenta manner; and (b) the author activity set out paragraph (a) column 3 occu before (i) December in the case mobile fire systems or ships and (ii) December in the case firefighting systems th part of mil ships and infrastruct (iii) December in the case other firefi systems
		(2) Aqueous film-forming foams	Sell product	The authorized ac carried out betwe mutual aid partne event of fires loca Canada as part of reconciliation of inventories and c following an auth emergency use u paragraph (1)(b) column 3 no later June 30, 2028
		(3) Water-based inks and photo media coatings	Use or sell product	The product was manufactured in or imported befor January 1, 2017
		(4) Land-based motor vehicle parts	Use, sell or import product	The authorized ac occurs on or befo December 31, 202

(5) Land-based motor vehicles that contain a part set out in subitem (4)	Manufacture or import product	The authorized ac occurs on or befo December 31, 202
(6) Replacement parts for land-based motor vehicle that are no longer mass-produced as of January 1, 2027	Use, sell or import product	The authorized ac occurs on or befo December 31, 204
(7) Land-based motor vehicles that contain a part set out in subitem (4) or a replacement part set out in subitem (6)	Use or sell product	The authorized ac not subject to any condition
(8) Electrical and electronic equipment parts other than parts set out in subitem (4) containing semiconductors	Use, sell or import product	The authorized ac occurs on or befo December 31, 202
(9) Electrical and electronic equipment containing a partset out in subitem (8)	Manufacture or import product	The authorized ac occurs on or befo December 31, 202
(10) Electrical and electronic equipment replacement parts other than parts set out in subitem (6), containing semiconductors	Use, sell or import product	The authorized ac occurs on or befo December 31, 203
(11) Electrical and electronic equipment containing a part set out in subitem (8) or a replacement part set out in subitem (10)	Use or sell product	The authorized ac not subject to any condition

		(12) Any product that is a manufactured item that is formed into a specific physical shape or design during its manufacture and that has, for its final use, a function or functions dependent in whole or in part on its shape or design other than a product set out in any of subitems (4) to (11)	Use or sell product	The product was manufactured in C or imported befor day on which thes Regulations come force
21	Pentachlorobenzene, which has the molecular formula C_6HCl_5		Use substance	The substance is u with chlorobipher are contained in equipment or liqu service equipmen respect of which t of those chlorobip is permitted unde *PCB Regulations*
22	Tetrachlorobenzenes, which have the molecular formula $C_6H_2Cl_4$		Use substance	The substance is u with chlorobipher are contained in equipment or liqu service equipmen respect of which t of those chlorobip is permitted unde *PCB Regulations*
23	Tributyltins, which contain the grouping $(C_4H_9)_3Sn$	(1) Tetrabutyltins, which have the molecular formula $(C_4H_9)_4Sn$	Manufacture, use, sell or import product	The concentration substance in the p including any inci presence of the substance, is less equal to 30 000 m (30% w/w)
		(2) Any product other than the product set out in subitem (1)	Use or sell product	The product was manufactured in C or imported befor March 14, 2013

24	1,4:7,10-Dimethanodibenzo[a,e]cyclooctene,1,2,3,4,7,8,9,10,13,13,14,14-dodecachloro-1,4,4a,5,6,6a,7,10,10a,1 1,12,12a-dodecahydro-,which has the molecular formula $C_{18}H_{12}Cl_{12}$			
		(1) Electrical and electronic equipment parts	Manufacture, use, sell or import product	The authorized ac occurs no later th years after the da which these Regu are published in t *Canada Gazette*, P
		(2) Electrical and electronic equipment containing a part set out in subitem (1)	Manufacture or import product	The authorized ac occurs no later th years after the da which these Regu are published in t *Canada Gazette*, P
		(3) Replacement parts for electrical and electronic equipment	Use, sell or import product	The authorized ac carried out until t of the service life product or no late December 31, 204 whichever comes
		(4) Electrical and electronic equipment containing a part set out in subitem (1) or a replacement part set out in subitem (3)	Use or sell product	The authorized ac not subject to any condition
		(5) Aircraft engine fan case rub strip products	Use, sell or import product	The authorized ac occurs no later th December 31, 203

(6) Aircraft engines containing the products set out in subitem (5)	Manufacture or import product	The authorized ac occurs no later th December 31, 203
(7) Void-filling and edge-sealing products	Use, sell or import product	The activity is carr to service aircraft case rub strip pro and occurs no late December 31, 203
(8) Land-based motor vehicle parts	Manufacture, use, sell or import product	The authorized ac occurs no later th years after the da which these Regu are published in t *Canada Gazette*, P
(9) Land-based motor vehicles that contain a part set out in subitem (8)	Manufacture or import product	The authorized ac occurs no later th years after the da which these Regu are published in t *Canada Gazette*, P
(10) Replacement parts for land-based motor vehicles	Use, sell or import product	The authorized ac carried out until t of the service life product or no late December 31, 204 whichever comes
(11) Land-based motor vehicles that contain a part set out in subitem (8) or a replacement part set out in subitem (10)	Use or sell product	The authorized ac not subject to any condition
(12) Parts for defence, aerospace and space products	Manufacture, use, sell or import product	The authorized ac occurs no later th years after the da which these Regu are published in t *Canada Gazette*, P

(13) Defence, aerospace and space products that contain a part set out in subitem (12)	Manufacture or import product	The authorized ac occurs no later th years after the da which these Regu are published in t *Canada Gazette*, P
(14) Replacement parts for defence, aerospace and space products	Use, sell or import product	The authorized ac carried out until t of the service life product or no late December 31, 204 whichever comes
(15) Defence, aerospace and space products that contain a part set out in subitem (12) or a replacement part set out in subitem (14)	Use or sell product	The authorized ac not subject to any condition
(16) Parts for stationary industrial machines, outdoor power equipment and marine or garden products	Manufacture, use, sell or import product	The authorized ac occurs no later th years after the da which these Regu are published in t *Canada Gazette*, P
(17) Stationary industrial machines, outdoor power equipment and marine or garden products which contain a part set out in subitem (16)	Manufacture or import product	The authorized ac occurs no later th years after the da which these Regu are published in t *Canada Gazette*, P
(18) Replacement parts for stationary industrial machines, outdoor power equipment and marine or garden products	Use, sell or import product	The authorized ac carried out until t of the service life product or no late December 31, 204 whichever comes

		(19) Stationary industrial machines, outdoor power equipment, and marine or garden products that contain a part set out in subitem (16) or a replacement part set out in subitem (18)	Use and sell product	The authorized ac not subject to any condition
		(20) Any product other than a product set out in any of subitems (1) to (19)	Use or sell product	The product was manufactured in C or imported befor day on which thes Regulations come force

25	Benzene, 1,1′-(1,2-ethanediyl) bis [2,3,4,5,6-pentabromo-, which has the molecular formula $C_{14}H_4Br_{10}$			
		(1) Pellets or flakes of polymeric thermoplastic or thermosetting material into which the substance has been compounded	Use, sell or import product	The authorized ac carried out for the manufacture of w cable products an shrink products a occurs no later th 15 years after the which these regul are published in the *Canada Gazett*
		(2) Pellets, flakes or blocks of rubber into which the substance has been compounded	Use, sell or import product	The authorized ac carried out for the manufacture of ru products and occu later than 15 year the day on which Regulations are p in the *Canada Gaz* II
		(3) Pellets or flakes of high-density polyethylene intermediate material into which the substance has been compounded	Use, sell or import product	The authorized ac carried out for the manufacture of hi density polyethyle products and occu later than 15 year the day on which Regulations are p in the *Canada Gaz* Part II

		(4) Any product other than a product set out in any of subitems (1), (2) or (3)	Use or sell product	The product was manufactured in C or imported befor day on which thes Regulations come into force
		(5) Any product that is a manufactured item that is formed into a specific physical shape or design during its manufacture and that has, for its final use, a function or functions dependent in whole or in part on its shape or design	Manufacture or import product	The authorized ac occurs no later th 15 years after the which these Regu are published in t *Canada Gazette*, P

		(6) Replacement parts — that are manufactured items that are formed into a specific physical shape or design during their manufacture and that have, for their final use, a function or functions dependent in whole or in part on their shape or design — for the following products: (a) defence, aerospace and space products; (b) land-based motor vehicles; (c) stationary industrial machines; (d) marine and garden products; (e) outdoor power equipment; (f) medical and in vitro diagnostic devices; (g) medical imaging and radiotherapy devices and installations; and (h) instruments for analysis, measurement, control, monitoring, testing, production and inspection	Use, sell or import product	The authorized ac carried out until tl of the service life product or no late 30 years after the which these Regu are published in t *Canada Gazette*, P whichever comes

		(7) Any product that is a manufactured item that is formed into a specific physical shape or design during its manufacture and that has, for its final use, a function or functions dependent in whole or in part on its shape or design	Use or sell product	The authorized ac not subject to any condition

SCHEDULE 2

(Subsection 3(2))

Required Information Related to the Use of Prohibited Toxic Substances in a Laboratory for Analysis, in Scientific Research or as a Laboratory Analytical Standard

1 The following information respecting the laboratory where the prohibited toxic substance set out in column 1 of Schedule 1 or the product containing that substance is used or is to be used:

(a) the name, civic and postal addresses, telephone number and, if any, email address and fax number of the laboratory; and

(b) the name, title, civic and postal addresses, telephone number and, if any, email address and fax number of any person authorized to act on the laboratory's behalf.

2 The following information respecting the prohibited toxic substance set out in column 1 of Schedule 1 and any product containing that substance that is used or is to be used:

(a) the name of the toxic substance and if applicable, the name of the product;

(b) the anticipated period of use;

(c) the estimated quantity of the toxic substance to be used in a calendar year and its unit of measurement;

(d) the identification of each proposed use and each actual use, as the case may be; and

(e) in the case of a product,

(i) the estimated quantity of the product to be used in a calendar year and its unit of measurement, and

(ii) the estimated concentration of the toxic substance in that product and its unit of measurement.

SCHEDULE 3

(Subsection 5(2))

Incidental Presence

Item	Column 1 Prohibited Toxic Substance	Column 2 Total Concentration

1	Hexabromocyclododecane, which has the molecular formula $C_{12}H_{18}Br_6$	100 mg/kg (0.01% w/w)
2	Polybrominated diphenyl ethers that have the molecular formula $C_{12}H_{(10-n)}Br_nO$ in which $4 \leq n \leq 10$	(1) 1000 mg/kg (0.1% w/w) for all congeners in electrical and electronic equipment, except (a) equipment that is necessary for the protection of the essential security interests, including arms, munitions and war material intended for specifically military purposes; (b) equipment designed to be sent into space; (c) equipment that is specifically designed, and is to be installed, as part of another type of excluded equipment, that can fulfill its function only if it is part of that equipment and that can be replaced only by the same specifically designed equipment; (d) large-scale stationary industrial tools; (e) large-scale fixed installations; (f) means of transport for persons or goods; (g) non-road mobile machinery made available exclusively for professional use; (h) active implantable medical devices; (i) photovoltaic panels intended to be used in a system that is designed, assembled and installed by professionals for permanent use at a defined location to produce energy from solar light for public, commercial, industrial or residential applications; and (j) equipment that is specifically designed solely for the purposes of research and development and that is only made available on a business-to-business basis (2) 500 mg/kg (0.05% w/w) for all congeners in a product that is a manufactured item that is formed into a specific physical shape or design during its manufacture, that has, for its final use, a function or functions dependent in whole or in part on its shape or design and that is not electrical or electronic equipment nor a commercial-grade substance, commercial-grade mixture, polymer or resin; and (3) 10 mg/kg (0.001% w/w) for each congener in a product that is a commercial-grade substance, commercial-grade mixture, polymer or resin
3	Perfluorooctane sulfonate and its salts and compounds that contain one of the following groups: $C_8F_{17}SO_2$, $C_8F_{17}SO_3$ or $C_8F_{17}SO_2N$	10 mg/kg (0.001% w/w) in aqueous film-forming foams

SCHEDULE 4

(Subsection 8(7) and paragraph 9(9)(b))

Information Required in an Application for a Permit or an Application for Renewal of a Permit

1 The following information respecting the applicant:

(a) the name, civic and postal addresses in Canada, telephone number and, if any, email address and fax number of the applicant; and

(b) the name, title, civic and postal addresses in Canada, telephone number and, if any, email address and fax number of any person authorized to act on the applicant's behalf.

2 In the case of a prohibited toxic substance referred to in section 5 of these Regulations or a product containing that substance, the following information:

(a) the name of the toxic substance and if applicable, the name of the product;

(b) the quantity of the toxic substance manufactured or imported by the applicant during any 12-month period ending no more than six months before the day on which the application is submitted, and its unit of measurement;

(c) the estimated quantity of the toxic substance to be manufactured or imported by the applicant during the period to which the permit will apply, and its unit of measurement;

(d) in the case of a product,

(i) the quantity of the product manufactured or imported by the applicant during any 12-month period ending no more than six months before the day on which the application is submitted, and its unit of measurement,

(ii) the estimated quantity of the product to be manufactured or imported by the applicant during the period to which the permit will apply, and its unit of measurement, and

(iii) the estimated concentration of the toxic substance in that product and its unit of measurement; and

(e) the identification of each proposed use, if known.

3 Information that demonstrates that there was no technically or economically feasible alternative or substitute for the prohibited toxic substance available to the applicant at the time of the application other than a substance regulated under these Regulations.

4 A description of the measures that have been taken to minimize or eliminate any harmful effect of the prohibited toxic substance on the environment and human health.

5 A description of the plan prepared respecting the prohibited toxic substance identifying the measures that the applicant will take to comply with these Regulations and the period within which the plan is to be implemented.

REGULATORY IMPACT ANALYSIS STATEMENT

(*This statement is not part of the Regulations*.)

Executive summary

Issues: Scientific risk assessments conducted by the Government of Canada concluded that Dechlorane Plus [3] (DP), decabromodiphenyl ethane [4] (DBDPE), perfluorooctane sulfonate, its salts and its precursors [5] (PFOS), perfluorooctanoic acid [6], its salts and its precursors [7] (PFOA), long-chain perfluorocarboxylic acids, [8] their salts and their precursors [9] (LC-PFCAs), hexabromocyclododecane [10] (HBCD) and polybrominated diphenyl ethers [11] (PBDEs) have or may have an immediate or long-term harmful effect on the environment or its biological diversity. Therefore, these substances were added to the List of Toxic Substances in Schedule 1 to the *Canadian Environmental Protection Act, 1999* (CEPA). New risk management measures are needed to restrict DP and

DBDPE and additional measures are needed to further restrict the other five substances in order to meet the environmental objective of reducing concentrations of these substances in the Canadian environment to the greatest extent practicable.

Description: The *Prohibition of Certain Toxic Substances Regulations, 2025* (the 2025 Regulations) repeal and replace the *Prohibition of Certain Toxic Substances Regulations, 2012* (the 2012 Regulations) and introduce restrictions on the manufacture, use, sale and import of DP, DBDPE and products containing these substances. The 2025 Regulations also further restrict the manufacture, use, sale and import of PFOS, PFOA, LC-PFCAs, HBCD and PBDEs, and products containing these substances, which were already prohibited, with some exemptions, under the 2012 Regulations. Specific exemptions are provided that take into account socio-economic factors, availability of suitable alternatives, consideration of the international context and risks to the environment. These time-limited exemptions provide time for industry to transition to alternatives, taking into consideration the life cycle of product development, as well as certification for safety and product performance standards.

Rationale: The 2025 Regulations will position Canada to ratify and implement the amended listing of PFOS in Annex B to the Stockholm Convention on Persistent Organic Pollutants (POPs) [Stockholm Convention]. The 2025 Regulations also aim to align with the listings of DP, PFOA, LC-PFCAs, HBCD and decabromodiphenyl ether (decaBDE) in Annex A to the Stockholm Convention, and to position Canada to ratify these listings once certain exemptions in the 2025 Regulations for these substances expire. Furthermore the 2025 Regulations aim to meet the risk management objective for DBDPE, which is to achieve the lowest level of release of the substance to protect the Canadian environment, taking into account social, economic and technical matters.

It is expected that the 2025 Regulations will result in an improvement in environmental quality by contributing to a reduction in these substances and, ultimately, in their releases to the environment over time. For example, the 2025 Regulations will help the Government of Canada in meeting its commitments under the Whales Initiative by addressing contaminant threats to the Southern Resident Killer Whale and the St. Lawrence Estuary Beluga, which are both endangered. The preservation of both species is valuable to Canadian society, particularly Indigenous peoples who have cultural and spiritual connections to these whales. Reducing the release of these substances is expected to improve ecosystem health, including prey species for endangered whales as well as the whales themselves.

Cost-benefit statement: Total incremental compliance costs to manufacturers of wire and cable products are estimated at $6.56 million over the 15-year period of analysis (2025–2039). Additional compliance costs are expected to be incurred by manufacturers of other products containing DP and DBDPE; however, given a lack of information regarding the most likely alternatives, these costs have not been estimated. Costs to the Government to administer the 2025 Regulations will also be incurred, totalling $786,100 over 15 years.
The 2025 Regulations are thus estimated to have total costs of $7.35 million over the 15-year timeframe of the analysis.

Issues

Screening assessments conducted between 2006 and 2012 under the Chemicals Management Plan concluded that the following substances are toxic to the environment under the *Canadian Environmental Protection Act, 1999* (CEPA), after which the substances were added to Schedule 1 to CEPA:

- perfluorooctane sulfonate, its salts and its precursors (PFOS);

- perfluorooctanoic acid, its salts and its precursors (PFOA);
- long-chain perfluorocarboxylic acids, their salts and their precursors (LC-PFCAs);
- hexabromocyclododecane (HBCD); and
- polybrominated diphenyl ethers (PBDEs).

The assessments also determined that these substances take a long time to break down in the environment and can accumulate in organisms. The *Prohibition of Certain Toxic Substances Regulations, 2012* (the 2012 Regulations) prohibit the manufacture, use, sale and import of these substances and products containing them, with some exemptions. However, additional action is needed to reduce concentrations of these substances in the Canadian environment to the greatest extent practicable.

Screening assessment reports that were published in 2019 by the Department of the Environment (the Department) and the Department of Health concluded that Dechlorane Plus (DP) and decabromodiphenyl ethane (DBDPE) are toxic to the environment, as they can have harmful effects on Canada's environment and its biological diversity. The assessments determined that these substances take a long time to break down in the environment, that DP can accumulate in organisms and that DBDPE may transform into other persistent, bioaccumulative and inherently toxic substances when it does break down in the environment. Based on the conclusions of the assessments for DP and DBDPE, the substances were added to Part 2 of Schedule 1 to CEPA.

Canada does not prohibit the manufacture, use, sale or import of DP or products containing DP. DBDPE is not on the *Domestic Substances List* and is subject to the new substances notification and assessment statutory regime. Under this regime, the manufacture and import of DBDPE are subject to notification by companies engaging in these activities; however, the import of DBDPE in manufactured items [12] is not subject to this requirement. In addition, some companies are subject to Ministerial Conditions that limit the use of DBDPE as a flame retardant component in the manufacture of wire and cable coatings, thermoplastic parts, thermoplastic coatings, thermoset parts and thermoset coatings. However, the Ministerial Conditions do not apply to all companies equally, and controls for DBDPE are not consistent across different industry sectors. Because products containing DP and DBDPE are imported, manufactured and sold in Canada, DP and DBDPE can be released into the Canadian environment during industrial use/processing, service life of consumer/commercial products and disposal of these products. The *Prohibition of Certain Toxic Substances Regulations, 2025* (the 2025 Regulations) are needed to implement additional risk management measures for DP and DBDPE to ensure that all sources of DP and DBDPE releases are managed to the extent practicable.

In addition, amendments are needed to simplify and clarify the former regulatory text.

Background

The Chemicals Management Plan is a Government of Canada initiative that assesses and manages the risks associated with chemical substances that may be harmful to the environment and/or human health under CEPA. The 2012 Regulations are one of the risk management instruments used under the Chemicals Management Plan to help reduce these risks. The substances prohibited by the 2012 Regulations are among the most harmful: they have been declared toxic to the environment or human health, or both, under CEPA, and are generally persistent and bioaccumulative.

The 2012 Regulations prohibit the manufacture, use, sale and import of certain toxic substances and products containing them, with a certain number of exemptions. They were first made in 1996 and have been either amended or repealed and replaced nine times to add or remove substances or to remove exemptions. The

2012 Regulations control 22 substances or substance groups.

Scientific risk assessments conducted between 2006 and 2012 concluded that PFOS, PFOA, LC-PFCAs, HBCD and PBDEs have or may have an immediate or long-term harmful effect on the environment or its biological diversity. Therefore, these substances are toxic to the environment and were listed to Schedule 1 to CEPA. In 2016, the 2012 Regulations were amended to prohibit the manufacture, use, sale, offer for sale and import of PFOS, PFOA, LC-PFCAs, HBCD and PBDEs, with a certain number of exemptions. Both PFOS and PBDEs had been previously controlled since 2008 under stand-alone regulations that were repealed when the 2012 Regulations came into force.

Screening assessments have concluded that DP and DBDPE meet the toxicity criteria under paragraph 64(a) of CEPA, as they are entering or may enter the environment in a quantity or concentration or under conditions that have or may have an immediate or long-term harmful effect on the environment or its biological diversity. Due to the persistence and widespread occurrence of these substances in the environment, there is the potential for bioaccumulation of DP and for bioaccumulation and toxicity of DBDPE's transformation products. The Order adding DP and DBDPE to Part 2 of Schedule 1 to CEPA was published in the *Canada Gazette*, Part II, on February 26, 2025.

PFOS, PFOA and LC-PFCAs have water, oil, dirt and grease repellant properties. PFOS use has been mostly phased out internationally and is only used for a limited number of applications in a few countries. PFOA and LC-PFCAs have been found in a variety of products, including personal care products, cleaning products, vehicle parts and surface treatments for textiles, upholstery, leather, carpet and paper products and packaging. They can also be used in the manufacturing of semi-conductors for electrical and electronic equipment (EEE) parts and in the formulation of certain firefighting foams for fuel fires. They may be found at trace levels as impurities in certain products due to their unintentional production or release during the manufacture of other per- and polyfluoroalkyl substances (PFAS) or in other industrial processes. They may also be found as contaminants remaining in equipment because of their historical use, such as in firefighting systems.

HBCD and PBDEs are flame retardants used in commercial applications and products available to consumers. HBCD was used primarily in polystyrene foam insulation in the building industry. However, it has also been used in other products, including land-based motor vehicle parts, textiles (i.e. upholstered furniture, wall coverings and draperies), paints, adhesives and polymers contained in electronic equipment. PBDEs have been used in a wide range of products used by consumers (such as residential upholstered furniture foam, motor vehicles, appliances and EEE), as well as aerospace products, EEE used in nuclear power generation facilities and building materials. Other uses identified for PBDEs included textiles, adhesives and sealants, rubber products, plastic pallets and coatings.

DP and DBDPE are additive flame retardants that are currently marketed as an alternative or replacement for PBDEs, specifically decabromodiphenyl ether (decaBDE), in some applications. DP is used in products that may include wire and cable jacketing, electronics, appliances, hard plastic connectors, plastic roofing materials, land-based motor vehicles, stationary industrial machines, outdoor power equipment, marine and garden products, and in aerospace, space and defence applications. DBDPE is used in a wide variety of products, such as plastic and rubber materials, EEE, land-based motor vehicles, stationary industrial machines, outdoor power equipment, adhesives and sealants and in marine applications.

All these substances are generally released into the environment from a variety of sources, including consumer products. Releases from products may occur at various stages of their life cycle, such as during manufacturing from manufacturing facilities (including those from manufacturing facilities abroad through long-range

environmental transport), during the product's normal use (e.g. releases to wastewater resulting from the cleaning and washing of products containing these substances), and, lastly, during and following disposal of the products.

Stockholm Convention on Persistent Organic Pollutants (POPs)

The 2012 Regulations are one of the main instruments through which the Government of Canada meets its obligations under the *Stockholm Convention on Persistent Organic Pollutants (POPs)* [the Stockholm Convention]. The objective of the Stockholm Convention is to protect human health and the environment from persistent organic pollutants (POPs) by eliminating or restricting them. POPs are substances that are toxic, accumulate in living organisms, remain in the environment for long periods of time and are subject to long-range transport. Parties must take measures to eliminate the production, use, import and export of chemicals listed in Annex A (Elimination) and take measures to restrict the production, use, import and export of chemicals listed in Annex B (Restriction). As of January 1, 2025, there are 186 Parties to the Stockholm Convention.

Among other substances, the 2012 Regulations prohibit the manufacture, use, sale and import of PFOS, PFOA, LC-PFCAs, HBCD, certain PBDEs, dichlorodiphenyltrichloroethane (also known as DDT), hexabromobiphenyl (a polybrominated biphenyl), hexachlorobenzene, hexachlorobutadiene, mirex, pentachlorobenzene, polychlorinated naphthalenes, and short-chain chlorinated paraffins (known as short-chain chlorinated alkanes, or SCCAs, in Canada), all of which are listed as POPs in the Stockholm Convention.

Due to the tendency of POPs to migrate long distances and subsequently be deposited in remote regions, especially in colder climates, Canada is particularly impacted by these pollutants. While all people in Canada are exposed to POPs, Canada's Indigenous and Northern communities are at greater risk of POPs exposure due to a diet that relies on traditional foods, including mammals with a high fat content, such as seals, narwhal whales, walrus and polar bears. This is why Canada played a significant leadership role in efforts to control POPs and in the development of this global treaty, and was the first country to sign and ratify the Stockholm Convention in 2001. Canada is one of a limited number of countries that ratifies each individual substance listing. This means that, while most countries are automatically bound to eliminate or severely restrict substances once they are listed to the Stockholm Convention, Canada can ratify each substance after risk management measures are in place domestically to eliminate or severely restrict the substance.

Great Lakes Water Quality Agreement

The Government of Canada is also party to the Great Lakes Water Quality Agreement, which is a bilateral, legally binding treaty with the United States (U.S.). One of the goals of this agreement is to reduce anthropogenic releases of certain chemicals throughout their entire life cycle. These chemicals have been designated as chemicals of mutual concern (CMCs) under the agreement, given that their presence throughout the Great Lakes Basin can harm wildlife and their habitats, or humans, or both, through various means. The parties have currently designated PFOS, PFOA, LC-PFCAs, HBCD and PBDEs, among other substances, as CMCs. Binational strategies have been published for HBCD (2017) and PBDEs (2019), and Canada's Great Lakes Strategy for PFOS, PFOA and LC-PFCAs Risk Management was published in March 2022. These strategies guide the identification, prioritization and implementation of actions to reduce these CMCs in the Great Lakes Basin.

Whales Initiative

The Whales Initiative, launched in 2018 and renewed until 2026, is aimed at supporting the recovery of three of Canada's endangered whale populations. Additional emergency protection measures were announced in October 2018 following the Southern Resident Killer Whale imminent threat assessment. The Whales Initiative

includes increasing regulatory controls for contaminants of concern, including PFOS, PFOA, LC-PFCAs, HBCD and PBDEs, known to affect the Southern Resident Killer Whale and the St. Lawrence Estuary Beluga, both of which are endangered, as well as their prey, in particular Chinook salmon. [13] In addition, the screening assessments for DP and DBDPE concluded that these substances are toxic to the environment and can have harmful effects on Canada's biological diversity. Due to their persistence and widespread occurrence in the environment, there is the potential for bioaccumulation of DP and for the transformation products of DBDPE in wildlife, such as whales. Moreover, preliminary modelling indicates DBDPE transformation products can be analogues for lower brominated PBDEs and potentially highly toxic to aquatic organisms. [14]

Objective

The 2025 Regulations aim to reduce the risk of toxic substances entering the Canadian environment, and thus contribute to the protection of Canada's environment and wildlife. The 2025 Regulations allow the Government of Canada to continue meeting its international commitments implementing amendments to the Stockholm Convention, putting Canada in a position to be able to ratify the amended listing of PFOS to the Stockholm Convention, and aiming to put Canada in a position to be able to ratify the listings of DP, PFOA, LC-PFCAs, HBCD and decaBDE once certain exemptions for these substances expire.

The 2025 Regulations also aim to help the Government of Canada in meeting its commitments under the Whales Initiative by addressing threats to the endangered Southern Resident Killer Whale and the St. Lawrence Estuary Beluga. The preservation of both species is valuable to Canadian society as a whole and to Indigenous communities who have cultural, spiritual and historical connections to these species. In addition, preventing releases of PFOS, PFOA and LC-PFCAs to the environment will also protect ecosystems and drinking water sources.

The addition of DP and DBDPE to the 2025 Regulations will help meet the risk management objective, which is to achieve the lowest level of release of these substances into the Canadian environment, taking into account social, economic and technical matters.

The 2025 Regulations support Canada's ongoing efforts to reduce anthropogenic releases of CMCs into the Great Lakes Basin, as committed to under the Great Lakes Water Quality Agreement.

In addition, the 2025 Regulations aim to clarify and simplify the 2012 Regulations, as noted in the Department's 2025 Red Tape Reduction Report.

Description

The 2025 Regulations repeal and replace the 2012 Regulations. They further restrict the manufacture, use, sale [15] and import of PFOS, PFOA, LC-PFCAs, HBCD and PBDEs, as well as products containing these substances. In addition, the 2025 Regulations introduce restrictions on the manufacture, use, sale and import of DP and DBDPE, as well as products containing these substances, while providing exemptions to the prohibitions. DP was listed to the Stockholm Convention in 2023. Specific exemptions (i.e. authorized activities under Schedule 1 to the 2025 Regulations) have been provided for certain substances that take into account technical and economic factors, the availability of suitable alternatives, and consideration of the international context and risks to the environment. Changes to the regulatory requirements that are incremental to the 2012 Regulations are described below.

Where specific exemptions have not been provided, the 2025 Regulations allow for permits to be issued for one year and renewed twice (for a total maximum of up to three years) to temporarily allow the continued manufacture or import of DP, DBDPE, or products containing these substances, the import of certain products containing PFOA or LC-PFCAs, and the manufacture or import of certain products containing HBCD or decaBDE.

Permit applications must be submitted within 30 days of the day on which the 2025 Regulations come into force. In order for a permit to be issued, there must be no technically or economically feasible alternatives available, the applicant must have taken measures to minimize any harmful effect of the substance on the environment and human health, and a plan must have been prepared to identify measures taken by the applicant to comply with the 2025 Regulations within a maximum of up to three years. The 2025 Regulations set out that the conditions under which a permit is granted must be maintained throughout the duration of the permit.

In addition, as part of the Department's red tape reduction efforts, the 2025 Regulations also

- simplify the current regulatory text by consolidating all substance-specific exemptions into one schedule;
- clarify that the clauses allowing the continued use and sale of products found in Canadian inventory are only for those products that were imported or manufactured in Canada before their coming into force;
- remove the redundant term "offer for sale" as this activity falls under the scope of the term "sale"; and
- update retention requirements for electronic records and clarify that all records must be kept in Canada.

To address recommendations made by the Standing Joint Committee for the Scrutiny of Regulations (SJCSR), the 2025 Regulations remove any references to the *Polybrominated Diphenyl Ethers Regulations* and the *Perfluorooctane Sulfonate and its Salts and Certain Other Compounds Regulations*, as both regulations have been repealed.

Finally, the 2025 Regulations exempt the transit through Canada of a manufactured item containing a prohibited toxic substance.

Requirements for substances added to the 2025 Regulations

The 2025 Regulations prohibit the manufacture, use, sale and import of DP and DBDPE, as well as products containing DP and DBDPE, with exemptions (authorized activities).

DP [16]

The 2025 Regulations exempt the following authorized activities:

- use, sale and import of aircraft engine fan case rub strip products containing DP, and void-filling and edge-sealing products containing DP to service them, until December 31, 2030;
- manufacture or import of aircraft engines containing fan case rub strip products that contain DP until December 31, 2030; and
- use and sale of all products containing DP that are in use or in inventory at the time the 2025 Regulations come into force.

As well, for EEE; land-based motor vehicles; defence, aerospace and space products; stationary industrial machines; outdoor power equipment; and marine and garden products, the 2025 Regulations exempt the following authorized activities:

- manufacture, use, sale and import of parts containing DP for these products for 5 years following the publication of the 2025 Regulations;
- manufacture and import of these products containing parts containing DP for 5 years following the publication of the 2025 Regulations;
- use, sale and import of replacement parts containing DP for these products until the end of the service life of the product or December 31, 2044, whichever comes earlier; and

- ongoing use and sale of these products containing DP.

DBDPE [17]

The 2025 Regulations exempt the following authorized activities:

- use, sale and import of pellets or flakes of polymeric thermoplastic or thermosetting material that contain DBDPE for the manufacture of wire and cable products and heat shrink products for 15 years following the publication of the 2025 Regulations;
- use, sale and import of pellets, flakes or blocks of rubber that contain DBDPE for the manufacture of rubber products for 15 years following publication of the 2025 Regulations;
- use, sale and import of pellets or flakes of high-density polyethylene that contain DBDPE for the manufacture of high-density polyethylene products for 15 years following the publication of the 2025 Regulations;
- manufacture or import of manufactured items containing DBDPE for 15 years following the publication of the 2025 Regulations;
- use, sale or import of replacement parts that are manufactured items for certain products for 30 years following the publication of the 2025 Regulations;
- ongoing use and sale of manufactured items that contain DBDPE; and
- use and sale of all products containing DBDPE that are in use or in inventory at the time the 2025 Regulations come into force.

The 2025 Regulations also allow a manufacturer or importer of DP and/or DBDPE, or of an eligible product containing the substances (that are not exempted above), to continue their activities for up to a maximum of three years if they are issued a permit under the 2025 Regulations.

Changes to requirements for substances covered by the 2012 Regulations

The 2025 Regulations further restrict the manufacture, use, sale and import of PFOS, PFOA, LC-PFCAs, HBCD and PBDEs, as well as products containing them, by removing certain exemptions or limiting the activities outlined below, which were allowed under the 2012 Regulations. In addition, the 2025 Regulations also include concentration thresholds for HBCD, PBDEs and PFOS (in aqueous film forming foam [AFFF]) at or below which their presence would be considered incidental, and the prohibition would not apply.

PFOS [18]**, PFOA** [19] **and LC-PFCAs** [20]

The 2025 Regulations

- repeal the exemption allowing the manufacture, use, sale, offer for sale and import of PFOS, or a product containing PFOS, designed for use in photoresists or anti-reflective coatings for photolithography processes or photographic films, papers and printing plates;
- replace the prior exemption allowing the use of AFFF containing PFOS in a concentration at or below 10 parts per million (ppm) with an equivalent exemption for the incidental presence of PFOS in AFFF at a total concentration less than or equal to 10 milligrams per kilogram (mg/kg) [0.001% weight per weight (w/w)];
- repeal the exemption allowing the import and use of products containing PFOA and/or LC-PFCAs [21] for personal use;
- repeal the exemption allowing the use, sale or import of AFFF containing PFOA and/or LC-PFCAs used in firefighting, but the 2025 Regulations continue to exempt

- the use of AFFF containing PFOA and/or LC-PFCAs to test firefighting systems, provided that all releases are contained and disposed of in an environmentally sound manner, and to suppress liquid fuel vapour and liquid fuel fires in emergency situations
  - until December 31, 2028, in the case of mobile firefighting systems on military ships and vehicles;
  - until December 31, 2030, in the case of fixed firefighting systems that are part of military ships and infrastructure; and
  - until December 31, 2027, in the case of any other firefighting systems; and
- the sale of AFFF containing PFOA and/or LC-PFCAs between mutual aid partners [22] in the event of fires located in Canada, as part of the reconciliation of inventories and costs following an authorized emergency use until June 30, 2028;

- repeal the exemption allowing the use, sale, offer for sale and import of manufactured items [23] containing PFOA and/or LC-PFCAs, but the 2025 Regulations continue to exempt
  - the use and sale of manufactured items containing PFOA and/or LC-PFCAs that are in use or in inventory at the time the 2025 Regulations come into force;
  - until December 31, 2026, the use, sale and import of land-based motor vehicle parts containing PFOA and/or LC-PFCAs, and the manufacture and import of land-based motor vehicles containing such parts;
  - until December 31, 2041, the use, sale and import of replacement parts containing PFOA and/or LC-PFCAs to service and repair land-based motor vehicles that are no longer mass-produced as of January 1, 2027;
  - until December 31, 2026, the use, sale and import of EEE parts containing the semi-conductors outlined below for non-land-based motor vehicle applications and the manufacture and import of EEE containing such parts:
    - semi-conductors containing PFOA and manufactured by photolithography or etch processes; and
    - any semi-conductors containing LC-PFCAs;
  - the use, sale and import of EEE replacement parts containing a semi-conductor above to service and repair EEE;
    - until December 31, 2026, for those containing PFOA; and
    - until December 31, 2031, for those containing LC-PFCAs; and
  - the ongoing use and sale of exempted land-based motor vehicles and EEE;
- allow an importer of manufactured items containing PFOA and/or LC-PFCAs that are not exempted to continue their activities for up to a maximum of three years if they are issued a permit; and
- repeal the exemption allowing the use, sale, and offer for sale of products (that are not manufactured items) containing PFOA and/or LC-PFCAs that were manufactured or imported before December 23, 2016.

HBCD [24]

Note that the 2012 Regulations only prohibited the manufacture, use, sale, offer for sale and import of the substance HBCD, and expanded and extruded polystyrene foams containing HBCD. The 2025 Regulations also

- prohibit the manufacture, use, sale and import of all other products containing HBCD, but exempt
  - the use, sale and import of land-based motor vehicle replacement parts containing HBCD until December 31, 2031, and the ongoing use and sale of the land-based motor vehicles containing the

replacement parts; and

- the use and sale of products containing HBCD that are in use or in inventory at the time the 2025 Regulations come into force;

- repeal the exemption allowing the use, sale and offer for sale of HBCD that was manufactured or imported before January 1, 2017;
- add an incidental presence concentration threshold of 100 mg/kg (0.01% w/w) for HBCD in a product; and
- allow a manufacturer or importer of land-based motor vehicles that contain replacement parts containing HBCD and a manufacturer or importer of any other product not exempted that contain HBCD, to continue their activities for up to a maximum of three years if they are issued a permit.

PBDEs [25]

The 2025 Regulations

- repeal the exemption allowing the manufacture, use, sale and import of manufactured items containing PBDEs, but exempt
  - the use, sale and import of specific land-based motor vehicle replacement parts containing decaBDE until December 31, 2036, and the ongoing use and sale of the vehicles containing the replacement parts;
  - the manufacture or import of EEE, parts and replacement parts designed for use in nuclear power generation facilities in Canada for 5 years following the publication of the 2025 Regulations; and
  - the use and sale of manufactured items containing PBDEs that are in use or in inventory at the time the 2025 Regulations come into force;
- allow a manufacturer or importer of manufactured items containing decaBDE that are not exempted to continue their activities for up to a maximum of three years if they are issued a permit;
- repeal the exemption allowing the use and sale of products (that are not manufactured items) containing decaBDE that were manufactured or imported before December 23, 2016; and
- add the following incidental presence concentration thresholds for PBDEs:
  - 1 000 mg/kg (0.1% w/w) for the sum of all congeners in EEE, except for some types of EEE;
  - 500 mg/kg (0.05% w/w) for the sum of all congeners in manufactured items other than the above-noted EEE; and
  - 10 mg/kg (0.001% w/w) for each congener in a product that is a commercial grade substance, commercial grade mixture, polymer or resin.

Related amendments

The 2025 Regulations make consequential amendments to the *Regulations Designating Regulatory Provisions for Purposes of Enforcement (Canadian Environmental Protection Act, 1999)* [the Designation Regulations]. The Designation Regulations identify provisions of various regulations made under CEPA as being subject to an enhanced fine range in the event of a successful prosecution of an offence involving harm or risk of harm to the environment, or obstruction of authority. The amendments are needed to replace the 2012 Regulations with the 2025 Regulations in the Schedule to the Designation Regulations.

Following the making of the 2025 Regulations, the Ministers intend to amend the Export Control List (ECL) in Schedule 3 to CEPA. These amendments would list PFOA, LC-PFCAs, HBCD and PBDEs to the ECL on the coming into force of the 2025 Regulations. The amendments would also add DP to the ECL on the fifth anniversary of the day on which the 2025 Regulations are published in the *Canada Gazette*, Part II. These additions would make the export of these substances subject to the *Export of Substances on the Export Control List Regulations*. Note that PFOS is already listed on the ECL.

Once the 2025 Regulations come into force, the eight existing Ministerial Conditions, imposed under section 84(1)(a) of CEPA to limit the import of DBDPE to specific uses and impose restrictions on its handling and disposal in industrial settings, will be rescinded.

Regulatory development

Consultation

Comments received prior to publication of the proposed Regulations in the *Canada Gazette*, Part I

The Department has consulted with industry, industry associations, academia, laboratories, municipal and provincial governments as well as other federal government departments, environmental non-governmental organizations and Indigenous partners. Interested parties were invited to provide input on published documents such as the Notice of intent to amend the *Prohibition of Certain Toxic Substances Regulations, 2012* published in October 2018, a consultation document published in December 2018 and the final screening assessment reports [26] and the risk management approach documents [27] for DP and DBDPE published in April 2019. Furthermore, the Department held a series of webinars in addition to bilateral meetings with stakeholders from various industries upon request. Feedback received from stakeholders prior to the publication of the proposed *Prohibition of Certain Toxic Substances Regulations, 2022* (the proposed Regulations) in the *Canada Gazette*, Part I helped inform the proposed regulatory approach to prohibit DP and DBDPE and further restrict PFOS, PFOA, LC-PFCAs, HBCD and PBDEs. A summary of consultation periods and feedback received on the main issues raised with respect to the proposed regulatory approach by interested parties and the Department's consideration of these issues leading to the preparation of the proposed Regulations is included in the Regulatory Impact Analysis Statement published with the proposed Regulations in the *Canada Gazette*, Part I, on May 14, 2022.

Comments received following publication of the proposed Regulations in the *Canada Gazette*, Part I

A 75-day public consultation period followed the publication of the proposed Regulations in the *Canada Gazette*, Part I, on May 14, 2022. During this consultation period, stakeholders and members of the public were given an opportunity to provide the Department with written comments on the proposed Regulations. The proposed Regulations were posted on the Department's CEPA Environmental Registry website to make them broadly available to interested parties. The Department also distributed an email to interested parties to inform them of the formal consultation process. Furthermore, webinars were also held in English and French on June 14 and 15, 2022, with a total of 164 attendees from companies, industry associations, consultants, municipalities, laboratories, provincial governments and other federal government departments. The Department received written comments representing the views of 67 stakeholders, including 38 industry associations, 23 companies, three members of the World Trade Organization, two consulting companies and one other federal government department. These comments represented the views of sectors, such as automotive, wire and cable, EEE, flame retardants, aerospace, industrial vehicles, outdoor power equipment, nuclear, oil and gas, agricultural and construction machinery, defence, marine products, plastic pallets, polymer compounding, paint and coatings, specialty products and textiles.

In addition to written comments, the Department held meetings with stakeholders to answer questions and receive further feedback. Following the publication of the proposed Regulations, the Department actively engaged with more than 20 stakeholders, including companies and industry associations across many sectors (e.g. EEE, vehicle, marine, flame retardant, pallet, nuclear), other government departments and international jurisdictions, over the course of 2023 and 2024. During these meetings, stakeholders were given opportunities to pose questions and provide feedback. It also provided an opportunity for the Department to seek clarification on the comments received to inform the development of the 2025 Regulations.

The Department also received 51 Notices of Objection (NoOs) to the proposed Regulations, 50 of which requested the Minister of the Environment (the Minister) to establish a Board of Review. The mandate of a Board of Review, as set out in subsection 333(1) of CEPA, would be to inquire into the nature and extent of the danger posed by the substances in respect of which the decision or statement is made or the order, regulation or instrument is proposed. All the NoOs provided comments on the risk management for DBDPE in the proposed Regulations and, to a lesser extent, the outcomes of the screening assessment report that underlie the risk management for DBDPE in the proposed Regulations. In addition, some of the NoOs provided comments relating to the risk management in the proposed Regulations for international alignment of the proposed exemptions for DP with the Stockholm Convention; the proposed incidental presence thresholds for PBDEs, noting misalignment with the European Union (EU) Restriction on Hazardous Substances; and the proposed incidental presence thresholds for PFOS, PFOA and LC-PFCAs, which industry considered to be too low. After careful consideration of all issues set out in the NoOs, it was concluded that none of the NoOs raised sufficient uncertainty or doubt around the science underlying the proposed Regulations, and therefore the Minister declined to establish a Board of Review under subsection 333(1) of CEPA.

All NoOs, along with the Minister's response letters, will be available on the CEPA Registry, as required by law.

All feedback was considered while finalizing the 2025 Regulations. Several stakeholders provided positive comments on the proposed Regulations, such as supporting further restrictions on PBDEs, or supporting the new format of the proposed Regulations and clarifications provided. Other comments covered a range of topics, but generally related to one of the following substances or key themes.

DP and DBDPE

Timing of risk management

Comment: Many industry stakeholders in the flame retardants, vehicle, wire and cable, EEE, plastic and rubber product sectors indicated that the use of a risk management instrument should only be considered after a final CEPA Schedule 1 listing and recommended that the Government should not move forward with this proposed risk management instrument before a final listing of DP and DBDPE to Schedule 1.

Response: A draft regulation of a substance proposed to be added to Schedule 1 of CEPA can be published for comment in advance of finalizing the addition of that substance to Schedule 1 to CEPA. However, the final regulations cannot be made in advance of the final order adding the substance to Schedule 1 to CEPA. The Order adding DP and DBDPE to Schedule 1 was made on February 14, 2025.

The proposed risk management instrument was communicated through the publication of the risk management approach and consultation documents. These publications were followed by public comment periods, and the information received was considered in the development of the proposed instrument.

Incidental presence threshold

Comment: Several industry stakeholders in the vehicle, EEE, appliances and industrial machinery sectors indicated that the lack of incidental presence limits proposed for DP and DBDPE will impact stakeholders' ability to specify acceptable concentrations of these substances to upstream suppliers in their supply chain.

Response: The Department did not propose concentration threshold limits for the incidental presence of DP or DBDPE, as there was not enough data available to set an appropriate limit. As well, no other international jurisdictions set concentration threshold limits for the incidental presence of these substances. Concentration threshold limits could be considered for future amendments once appropriate data is available.

Costs

Comment: Some industry stakeholders in the vehicle, EEE, appliances and industrial machinery sectors expressed concern that the analysis for the proposed Regulations underestimated the total costs, particularly with regards to DP and DBDPE. One industry association noted that costs, for DBDPE, in the automotive sector could be in the billions of dollars.

Response: The Department acknowledges 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 to consider higher costs based on available information.

DP

Time-limited exemptions

Comment: Several industry stakeholders highlighted the use of DP in aerospace, space and defence products and indicated that exemptions for these products are required for the protection of the essential interests and security of Canada, including arms, munitions and war material intended specifically for military purposes. In addition, industry stakeholders from sectors that manufacture heavy trucks, non-road mobile machines (NRMM), motorcycles, agricultural and construction machinery, large-scale fixed installations, outdoor power equipment and marine and garden products indicated they should also be exempted due to similarities and shared supply chains with automotive, aerospace and EEE sectors.

Response: At the eleventh meeting of the Conference of the Parties to the Stockholm Convention (SC COP-11), held in May 2023, DP was listed to Annex A (elimination) with specific time-limited exemptions for use in aerospace, space and defence applications; medical imaging and radiotherapy devices and installations; and replacement parts for, and repair of, articles in applications such as aerospace, space, defence, motor vehicles, stationary industrial machines, marine, garden, forestry and outdoor power equipment, instruments for analysis, measurements, control, monitoring, testing, production and inspection, medical devices, and in vitro diagnostic devices. These comments, as well as the international context, were taken into consideration when finalizing the 2025 Regulations, which now include time-limited exemptions for land-based motor vehicles, defence, aerospace and space products, stationary industrial machines, outdoor power equipment, and marine and garden products.

Comment: Industry stakeholders in the automotive sector generally expressed positive reactions to the proposed timelines for the parts and replacement parts exemptions for vehicles and noted that the timelines should be achievable due to global actions for this substance. However, the stakeholders also noted that the proposed list of parts for exemption may be inadequate and should mirror the list of exempted automotive parts for decaBDE as DP was used as a replacement for decaBDE.

Response: To align with the approach taken for DP under the Stockholm Convention, the final 2025 Regulations do not make reference to specific parts and components in the exemptions for parts, products and replacement parts that contain DP. This addresses stakeholder concerns with the proposed list of exempted parts, reduces the risk of prohibiting critical components, and reduces the administrative burden on stakeholders throughout the supply chain when determining compliance with the 2025 Regulations.

International alignment

Comment: Some industry stakeholders in the wire and cable, vehicle, home appliances, industrial machinery and EEE sectors expressed concern that Canada's proposed risk management is not aligned with other countries.

Response: The Canadian risk management for DP takes into consideration actions taken in other jurisdictions (such as the EU and the United States) and international agreements (such as the Stockholm Convention), aligning where possible. In January 2018, the European Chemicals Agency (ECHA) added DP to the Candidate List of substances of very high concern for Authorisation. If, following an assessment by ECHA, DP is added to the Authorisation List, there would be a prohibition on placing DP on the European market or using DP after a given date, unless an authorization is granted for a specific use or the use is exempted. In the United States, DP is listed under the Environmental Protection Agency (EPA) High Production Volume (HPV) Challenge program, through which companies were "challenged" to make health and environmental effect data publicly available on chemicals produced or imported into the United States in the greatest quantities.

In 2023, DP was listed to Annex A of the Stockholm Convention for elimination with time-limited specific exemptions. The exemptions provided in the 2025 Regulations align with the listing for DP as much as possible while considering domestic socioeconomic factors to position Canada to ratify these listings once certain exemptions expire.

DBDPE

Time-limited exemptions and supply chain

Comment: Vehicle, EEE, wire and cable, appliances, industrial machinery and plastic and rubber product industry stakeholders expressed concerns that the 5-year exemption for the phase-out of DBDPE in parts and products containing the parts was insufficient due to the lack of commercially available alternatives and the significant time and costs associated with switching to alternatives requiring research and development, prototyping, performance testing, manufacturing retooling and regulatory compliance certification. Stakeholders from the EEE sector recommended that spare and replacement parts for EEE should be exempted indefinitely without a timeline. Automotive vehicle manufacturers noted that up to 15 years may be required to phase out DBDPE in all of the individual parts in their products, assuming that suitable alternative flame retardants are identified.

Response: The timeline for phasing out the exemptions for DBDPE in the 2025 Regulations has been extended to 15 years to provide all stakeholders with more time for the research and development of alternatives, testing and certification, and the transitioning of their manufacturing processes and supply chains.

Comment: Manufacturers of other types of land-based motor vehicles (e.g. agricultural, construction, and industrial vehicles; motorcycles and mopeds; and off-road vehicles) commented that their products should be included in the exemptions for automotive vehicles due to the use of shared supply chains. Furthermore, manufacturers of additional vehicle types and products (e.g. marine, aerospace and defence product manufacturers) provided comments that exemptions for DBDPE should be provided for their parts and products, in addition to exemptions for land-based motor vehicles. Some stakeholders also provided comments or expressed concerns with respect to the lists of parts in the proposed exemptions.

Response: The scope of the exemptions for DBDPE has been broadened to include all manufactured items, which encompass land-based motor vehicles and EEE, plastic and textile products, as well as additional vehicle types and products (e.g. marine, aerospace and defence product manufacturers). Furthermore, the broadening of the scope of the exemption helps to reduce the risk of prohibiting critical components and reduces the administrative burden on stakeholders throughout the supply chain when determining compliance with the 2025 Regulations.

Comment: Some stakeholders in thermoplastic and high-density polyethylene (plastic), rubber, as well as wire and cable sectors indicated that they import intermediate materials compounded with DBDPE to manufacture products in Canada.

Response: New time-limited exemptions for the import, use and sale of intermediate materials of rubber and high-density polyethylene containing DBDPE were included in the final 2025 Regulations to support Canadian product manufacturers.

Alternatives and safety requirements

Comment: Many industry stakeholders in flame retardants, wire and cable parts and products, EEE, vehicles, industrial machinery, plastic and rubber parts and products sectors expressed concerns that, due to a lack of commercially available alternatives for DBDPE, which is used as a flame retardant to meet critical flammability standards and safety requirements in products, the prohibition of DBDPE in Canada will result in increased health and safety risks to people in Canada.

Response: Flame-retardant substances are generally used to meet performance-based flammability requirements and these requirements do not specify what chemical flame retardants need to be used. In response to concerns regarding the availability of alternatives, the timelines of the DBDPE exemptions have been extended from 5 years to 15 years. This provides stakeholders with more time for the research and development of alternatives, testing and certification, and the transitioning of their manufacturing processes and supply chains.

Assessment conclusion

Comment: A number of industry stakeholders from the flame retardants, wire and cable, EEE and plastic and rubber sectors noted their disagreement with the toxicity conclusion of the screening assessment for DBDPE. Furthermore, several industry stakeholders provided copies of certain studies that they suggest demonstrate a lack of transformation of DBDPE to lower brominated derivatives and that decaBDE was not a suitable analogue for DBDPE.

Response: The screening assessment for DBDPE concluded that there is a risk of harm to the environment due to the persistence and widespread occurrence of DBDPE in the environment along with the potential for bioaccumulation and toxicity of its transformation products. The conclusions of the screening assessment for DBDPE reflect a weight-of-evidence and precautionary approach, which considers lines of evidence, the relevance and robustness of available information, and accounts for uncertainties. The review of the studies provided by stakeholders did not cast sufficient doubt or uncertainty on the scientific findings regarding the prevalence in and harmful effects on the environment of DBDPE or the assessment conclusion. The Department has determined that the 2025 Regulations are the best approach to meet the risk management objective for DBDPE, which is to achieve the lowest level of release of the substance into the Canadian environment, taking into account social, economic and technical matters.

Risk Management

Comment: Industry stakeholders from the flame retardants, wire and cable, plastic and rubber products and EEE sectors expressed concern that the proposed risk management measures for DBDPE were unnecessary and unreasonable and that alternative risk management measures not resulting in virtual elimination would be sufficient to address the risk of harm from DBDPE.

Response: The screening assessment of DBDPE concludes that there is a risk of harm to the environment due to the persistence and widespread occurrence of DBDPE in the environment along with the potential for bioaccumulation and toxicity of its transformation products. The environmental objective for DBDPE is to reduce its concentrations in the Canadian environment to the greatest extent practicable, and the risk management objective for DBDPE is to achieve the lowest level of release of the substance into the Canadian environment, taking into account social, economic and technical matters. The high importation volumes of DBDPE into Canada, along with information on its uses, indicate potential for widespread release into the Canadian environment. Given the above, prohibition via regulation is the best approach to meet the risk management objective for DBDPE, which is to achieve the lowest level of release of the substance into the Canadian environment, taking into account social, economic and technical matters.

International alignment

Comment: Industry stakeholders from the flame retardants, plastic, rubber, wire and cable, vehicle, industrial machinery, power equipment, textiles and EEE sectors expressed concerns that the proposed prohibition of DBDPE is not aligned with other regulatory agencies or global agreements, which may lead to supply chain disruptions, as well as negative impacts on people in Canada and the economy. Furthermore, some industry stakeholders claimed that no other country has concluded that DBDPE is harmful or toxic.

Response: The Canadian risk management approach for DBDPE takes into consideration that no risk management actions have been taken in most other jurisdictions, including the EU and the United States. However, risk assessment and risk management are either underway or finalized in other jurisdictions. In March 2023, the EU published its regulatory strategy for flame retardants (PDF), which focuses on brominated flame retardants and their prioritization for restriction, which includes DBDPE. This report notes that the available data appears to confirm the persistent, bioaccumulative and toxic properties of the substance. On October 31, 2024, the ECHA updated the substance evaluation status for DBDPE as “Concluded” and published a Substance Evaluation Conclusion and Evaluation Report that considers DBDPE to meet the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Annex XIII very persistent and very bioaccumulative criteria, wide dispersive use and high aggregated tonnage concerns and the need for follow-up regulatory action at the EU level. The report notes the restriction of aromatic brominated flame retardants as proposed in ECHA’s regulatory strategy for flame retardants (PDF) (PDF) appears as a logical continuation following a formal hazard identification as very persistent and very bioaccumulative for DBDPE. On June 27, 2025, ECHA published an ad hoc public consultation for the identification of DBDPE as a substance of very high concern on the basis of the criteria set out in REACH Article 57.

In the United States, DBDPE is listed as a new chemical and is subject to a Significant New Use Rule and a Final Health and Safety Data Reporting rule pursuant to the *Toxic Substances Control Act* (TSCA). In January 2024, the Consumer Product Safety Commission published the Organohalogen Flame Retardant Scope Document: Polyhalogenated Benzene Aliphatic and Functionalized Subclass (PDF) report (the PHBzAF subclass, which includes DBDPE), which concluded that the PHBzF subclass has sufficient data to proceed with risk assessment. Furthermore, DBDPE is already restricted in some consumer products under general flame-retardant restrictions in some U.S. states, such as California, Maine, New Hampshire and Rhode Island.

In addition, in August 2021, Australia published its assessment of DBDPE (PDF) and found that DBDPE met the persistence, bioaccumulation, adverse effects on aquatic and terrestrial organisms and long-range transport criteria of Annex D of the Stockholm Convention. The assessment recommended that control measures be developed for DBDPE under the *Industrial Chemicals Environmental Management (Register) Act 2021*. On June 26, 2025, the Australian government published the Industrial Chemicals Environmental Management Standard for DBDPE, listing DBDPE to Schedule 6 of the Industrial Chemicals Environmental Management (Register) Instrument 2022.

Comment: Flame retardants, vehicles, large machinery, home appliances, wire and cable, EEE, thermosetting plastics and rubber product sector industries also indicated that DBDPE is not listed to the Stockholm Convention or as a Great Lakes Water Quality Agreement CMC.

Response: The 2025 Regulations aim to reduce the risk of toxic substances entering the Canadian environment. This is done, in part, through risk management of substances listed to the Stockholm Convention and the Great Lakes Water Quality Agreement's list of CMCs. However, these lists are not comprehensive. The 2025 Regulations go beyond these commitments to address additional substances that have been found to be toxic to human health and the environment, such as DBDPE.

PFOA and LC-PFCAs

Time-limited exemptions and alternatives

Comment: Stakeholders in the oil and gas sector and the chemical industry expressed concerns about removing the exemptions for the sale of AFFF containing PFOA and/or LC-PFCAs (herein referred to as "C8 AFFF"), as, in the event of fires, it would prevent mutual aid partners from recovering the costs of helping one another in emergency situations.

Response: In response to these concerns, the 2025 Regulations include a time-limited exemption to allow the sale of C8 AFFF between mutual aid partners located in Canada as part of the reconciliation of inventories and costs. This exemption is available until six months after the end of the exemption for their use in emergency situations, ending for most applications on December 31, 2027. This exemption provides sufficient time for these partners to complete the reconciliation process and proceed with the transaction.

Comment: Stakeholders in the chemical industry also indicated their concerns about the suitability of certain alternatives to C8 AFFF for suppressing fires presenting high potential for major-accident hazards.

Response: Between 2010 and 2015, manufacturers of firefighting foams worldwide ceased the production of C8 AFFF. They have since focused on alternatives, such as shorter chain PFAS-based foams (herein referred to as "C6 AFFF") and fluorine-free foams (a non-PFAS based foam herein referred to as "F3"). C6 AFFF meets the performance requirements of the most common standards [28, 29] that C8 AFFF meets. The Department, however, acknowledges that firefighting foam application design is specific for each type of foam and use, and that transitioning between foams may require modifications to the fire suppression systems depending on the foam selected.

Comment: Some industry stakeholders requested that adequate time be provided under the 2025 Regulations to transition to alternatives to C8 AFFF in emergency situations. Stakeholders in the oil and gas and chemical sectors as well as the Department of National Defence (DND) expressed concerns about the significant costs and impacts that the proposed phase-out of C8 AFFF by the proposed time limit of December 31, 2025, would have. The chemical industry requested that it be exempted for emergencies until the AFFF concentrates expire and the oil and gas sector requested a phase-out period of two years.

Response: In response to the information provided, the 2025 Regulations now include longer time-limited exemptions to allow the use of C8 AFFF for testing and emergency situations until December 31, 2027, for all applications except military, which has been provided additional exemptions outlined below.

Comment: DND requested flexibility under the 2025 Regulations to be able to use C8 AFFF in emergencies for certain military applications past 2025 to accommodate its lack of access to alternatives that meet military standards (i.e. MILSPEC), support its efforts in phasing out all AFFF at DND locations, and maintain interoperability with Canada's military allies.

Response: In response to the information provided by DND, the 2025 Regulations now include longer time-limited exemptions to allow the use of C8 AFFF past 2025 for testing and emergency situations. An exemption until December 31, 2028, was provided in the case of mobile firefighting systems on military ships and vehicles (e.g. airport firefighting trucks or mobile fire extinguishers), and until December 31, 2030, in the case of fixed firefighting systems that are part of military ships and infrastructure (e.g. sprinklers in hangars).

Comment: Stakeholders in the EEE and the vehicle sectors also expressed concerns about the repeal of the exemption allowing the use, sale, offer for sale and import of manufactured items containing PFOA and/or LC-PFCAs and provided information to justify the inclusion of additional specific, time-limited exemptions. In particular, it was noted that exemptions were needed for the automotive sector and for certain semi-conductors used in EEE. Stakeholders noted that these exemptions would ensure the continued supply of these products and their replacement parts to people in Canada.

Response: In response to this feedback, the 2025 Regulations include time-limited exemptions for manufactured items containing PFOA and/or LC-PFCAs for land-based motor vehicles and for semi-conductors. However, the 2025 Regulations continue to prohibit the manufacture of items containing PFOA and/or LC-PFCAs. These changes avoid impeding the use of and transition towards alternatives, as well as disrupting the supply of products to Canada while balancing the need to align with the Stockholm Convention and taking into consideration the Canadian context. Multiple other jurisdictions have taken action on the manufacture of products containing PFOA and/or LC-PFCAs since the late 2010s and their uses in exempted manufactured items have been quickly declining.

HBCD

Time-limited exemptions

Comment: Stakeholders from the vehicle sector reported that HBCD was used in a wide variety of vehicle replacement parts and was voluntarily phased out in new vehicles entering the Canadian market by 2016, which was noted in letters of commitment previously provided to the Department. The stakeholders recommended that the proposed exemption for HBCD in replacement parts for vehicles required additional time of approximately six years in accordance with the guiding principles on the implementation of the Chemicals Management Plan developed for the automotive manufacturing sector.

Response: In response to these comments, the exemption for HBCD in replacement parts for land-based motor vehicles is extended to December 31, 2031.

PBDEs (including decaBDE)

Time-limited exemptions

Comment: Stakeholders from nuclear power generation facilities in Canada highlighted that instrumentation and power cables for nuclear power generation facilities have regulatory guidelines and industry standards that require cables to maintain a minimum level of physical properties following extreme levels of thermal, radiation,

steam, and chemical exposure. These stakeholders noted that US suppliers of these specialized products are currently working to transition to alternatives; however, alternatives are not available and obtaining the necessary approvals may take several years.

Response: In response to comments made by nuclear power generation stakeholders, the 2025 Regulations include a new five-year exemption for EEE in nuclear facilities to allow for the phase-out of the use of decaBDE in critical power generation applications.

Comment: One foreign industry stakeholder commented that the labelling, use and export conditions in the proposed exemption for plastic shipping pallets containing decaBDE do not accommodate their business model. They also noted that this may create a barrier to trade and that labelling is unnecessary and burdensome and may single out the stakeholder's pallets as a potential concern.

Response: Following further analysis and consultation with other departments, it was determined that plastic shipping pallets are considered instruments of international trade and therefore not subject to the 2025 Regulations. Therefore, the proposed exemption for plastic shipping pallets and the proposed labelling requirements were removed.

Incidental presence concentration thresholds

PFOS

Comment: Many industry stakeholders in the EEE sector raised concerns that the proposed incidental presence threshold of 1 ppm for PFOS (which also encompasses its salts and precursors) was not harmonized with those used in other jurisdictions, such as the EU. Stakeholders in the airport sector also expressed the need to maintain the exemption provided in the 2012 Regulations for the use of AFFF that contains residual levels of PFOS at a maximum concentration of 10 ppm. This exemption accommodates PFOS that remains in firefighting equipment as a result of the historical use of this group of substances and is aligned with the threshold in place in the EU of 10 mg/kg (0.001% by weight) for AFFF. However, it is much lower than the threshold that was in place in the EU for other products at the time the proposed Regulations were being developed for other products. Stakeholders expressed concerns that this would create compliance uncertainty and could disrupt the supply of products to Canada.

Response: As a result of this feedback, the 2025 Regulations do not specify the proposed concentration threshold for the incidental presence of PFOS in substances and products, except for AFFF. For the sake of clarity, the concentration threshold for PFOS in AFFF is now found in Schedule 3 to the 2025 Regulations, applies to all controlled activities and, for consistency and harmonization, the units of concentration were changed to mg/kg. However, the Department plans to continue consultations and work towards establishing regulatory thresholds for PFOS for other products. Thresholds would help regulatees to further determine if products meet regulatory requirements through testing and would allow regulatees to specify material compositions to suppliers.

PFOA and LC-PFCAs

Comment: Stakeholders in the airport, oil and gas, chemistry, EEE and vehicle sectors and DND raised concerns related to the proposed incidental presence thresholds of 1 ppm for PFOA and 1 ppm for LC-PFCAs, as this may inadvertently prohibit the use of certain C6 AFFF, could inadvertently disrupt the supply of products to Canada in some cases, and impact the fostering of a circular economy. Stakeholders in the EEE sector are supportive of having thresholds as long as they are harmonized with other jurisdictions, for example those in place in the EU.

Response: The Department was made aware that there may be trace levels of PFOA and LC-PFCAs above the proposed 1 ppm thresholds (which also encompass their salts and precursors) in certain firefighting foams and products. PFOA and LC-PFCAs may be unintentionally produced or released as impurities during the manufacture of other PFAS or in other industrial processes. They may also be present in products that are not based on PFAS because of cross contamination with certain equipment where these substances were historically used.

In response to the feedback received from industry stakeholders and DND, the proposed concentration thresholds for the incidental presence of PFOA and LC-PFCAs were not included in the 2025 Regulations. For substances where a concentration threshold has not been set, the incidental presence is generally understood to be a residual, a trace contaminant or impurity that was not intentionally added to the formulation. However, the Department plans to continue consultations and work towards establishing thresholds for PFOA and LC-PFCAs. Thresholds would help regulatees to further determine if products meet the regulatory requirements through testing and would allow regulatees to specify material compositions to suppliers.

PBDEs

Comment: Industry stakeholders from the flame retardants, vehicle, EEE, home appliances, and industrial machinery and power equipment sectors indicated that the proposed restriction on manufactured items and the incidental presence thresholds could put Canada at odds with its trading partners and lead to disruptions in the supply chain as well as the global circular economy. Industry stakeholders from the EEE sector highlighted the importance of harmonization of the incidental presence threshold of 1 000 mg/kg for PBDEs with the EU's Directive 2011/65/EU of the European Parliament and Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (RoHS Directive).

Response: The proposed incidental presence concentration threshold values endeavour to align with those of other jurisdictions, particularly with the concentration thresholds for PBDEs in Annex I of the EU's Regulation No. 2019/1021 of the European Parliament of the Council of 20 June 2019 on persistent organic pollutants (POPs Regulation). However, the EU's POPs Regulation exempts EEE within the scope of the RoHS Directive, which has a higher incidental presence concentration threshold of 1 000 mg/kg (0.1% by weight) for PBDEs. To support international alignment, the 2025 Regulations include a provision for the incidental presence concentration threshold for PBDEs in specific EEE of 1 000 mg/kg (0.1% by weight) to align with the EU RoHS Directive.

Comprehensive list of Chemical Abstracts Service Registry Numbers (CAS RNs)

Comment: Stakeholders in the paints and coatings, specialty products and vehicle sectors requested that a comprehensive list of CAS RNs for all substances listed under the 2025 Regulations, including PFOA, be included in the 2025 Regulations and provided to stakeholders to improve compliance.

Response: The Department acknowledges the importance of a CAS RN list to industry. However, an exhaustive CAS RN list cannot be provided given that the 2025 Regulations are applicable to any substance that meets the definition in the 2025 Regulations and is not applicable to a specific CAS RN. A non-exhaustive CAS RN list that represents substances that are listed to the 2025 Regulations and that have been identified in a variety of Government of Canada sources is provided through the Substances Search tool as a guide to assist with understanding the intent of the 2025 Regulations. The Department will work towards expanding the list with other reliable sources where and when possible.

Definitions

Comment: Two industry stakeholders in the aerospace, vehicle and outdoor power equipment, and marine and garden products sectors indicated that the following terms used in the 2025 Regulations required a definition or further clarification: products, manufactured items, vehicles, and EEE.

Response: This feedback was taken into consideration and, as such, the 2025 Regulations further clarify the term "vehicle", and the Department clarified the other terms in communication materials related to the 2025 Regulations.

Exemption for all products manufactured prior to the date of prohibition

Comment: One stakeholder in the chemical sector proposed that the Department should consider exempting all products manufactured prior to the prohibition date and that restrictions should be based on the manufacture date of the products, regardless of whether the products are manufactured outside of Canada, since not all companies that import or distribute products in Canada manufacture their products in Canada.

Response: The substances prohibited under the 2025 Regulations are amongst the most harmful to the environment and/or human health. The ultimate environmental objective of prohibiting these substances is to reduce their concentration in the Canadian environment to the greatest extent practicable by reducing or eliminating their releases. The reduction of toxic substances entering the Canadian environment via import into Canada and manufacture in Canada is necessary to reach this objective. Allowing products manufactured outside of Canada to continue to enter Canada is not expected to allow Canada to reduce the concentration in the Canadian environment to the greatest extent practicable. The 2025 Regulations therefore prohibit the manufacture, use and sale in Canada as well as the import into Canada of toxic substances and products containing toxic substances (and provide exemptions, such as exemptions on import, when warranted).

Permits

Comment: Several industry stakeholders in the chemical, EEE and vehicle sectors requested further clarifications on the permit provisions in the 2025 Regulations or guidance materials. Many stakeholders also requested the ability to apply for a permit for more than three years, and possibly indefinitely, if they are unable to replace a substance in a product, if they are able to provide an acceptable compliance plan, or if they can substantiate that no feasible alternatives are available. Industry stakeholders recommended that permits should be allowed to be requested for both authorized and unauthorized activities and used to prolong the deadline of authorized activities to prevent supply chain issues. Requests were also made for importers to be allowed to continue to import products during the permit application review period, given uncertainty regarding how long the review process will take to complete. Certain industry stakeholders also raised concerns that the permit process is burdensome and expensive, considering the exceedingly high number of specific parts that would need to be independently tested and permitted for DP or DBDPE and that the process is an insufficient mechanism for long-term planning for the manufacture and certification of products.

Response: The 2025 Regulations include several specific exemptions that provide compliance flexibility to address challenges the industry has raised. The permit process provides an additional mechanism to temporarily deal with unforeseen challenges for activities that are not covered by an exemption. When there are substance-specific challenges, exemptions are considered under the 2025 Regulations. Permits are not required for activities that are exempted following the coming into force of the 2025 Regulations. The 2025 Regulations include exemptions that provide time for industry to identify and transition to alternatives, taking into consideration the life cycle of product development as well as safety standards, in a manner that achieves the environmental objective of reducing the

concentration of toxic substances in the Canadian environment to the greatest extent practicable. Allowing the continued long-term use of products containing toxic substances through permits is not expected to allow Canada to meet this environmental objective.

Permit provisions have been modified based on stakeholder comments. In addition to the six-month period between the publication of the 2025 Regulations and its coming into force, stakeholders will have up to 30 additional days to prepare their permit applications compared to what was proposed under the proposed Regulations. Permit provisions allowing the continued manufacture and import of eligible toxic substances or products containing toxic substances during the permit application period until a determination has been made on whether to issue the permit were added to give stakeholders more business security. The 2025 Regulations clarify the permit provisions, and the Department has developed guidance materials which are intended to assist regulatees when preparing their applications.

Recycling

Comment: While some industry stakeholders from the vehicle sector expressed support for the specification of concentration limits for the incidental presence of certain substances under the 2025 Regulations as a means to address challenges raised by industry regarding compliance with the 2025 Regulations, some stakeholders from the same sector and the EEE sector raised concerns about how this may impact the recycling of products, in particular for automotive parts and EEE. Industry stakeholders questioned whether the proposed 1 ppm threshold for PFOS, PFOA and LC-PFCAs would impact the fostering of a circular economy and would put Canada at a disadvantage on the recycling market because, as opposed to certain other jurisdictions, this threshold would apply to all products, including recycling materials. One industry stakeholder commented that provinces and territories have electronic waste recycling regulations and programs, and the potential impact of the proposed Regulations on these recycling efforts should be considered. An industry association also recommended that Canada specify in the 2025 Regulations that toxic substances are incidentally present in recycled plastics if they are not intentionally added to the plastics during the recycling process.

Response: While obligations differ between jurisdictions, the Department supports efforts to divert waste from landfills and promote a circular economy for products. While provinces and territories have electronic waste recycling programs and regulations, these do not specify processing or environmental protection standards. Canada is a Party to the Stockholm Convention under which Parties are not permitted to allow waste containing POPs listed under the Convention to be subject to disposal operations that may lead to recovery, recycling, reclamation, direct reuse or alternative uses of those POPs unless the POPs are destroyed or irreversibly transformed. Under the 2025 Regulations, one of the principal tools for implementing the Stockholm Convention in Canada, manufacturing a product using a recyclable material that contains a substance subject to the 2025 Regulations and using, selling or importing a recycled product that contains a listed substance is prohibited. These activities are not prohibited if the substance is incidentally present, or another exemption applies.

The 2025 Regulations include concentration thresholds for certain substances at or below from which their presence would be considered incidental in a product. There are no incidental limits set for DP and DBDPE, as there was not enough data available to set an appropriate limit. Concentration threshold limits could be considered for future amendments once appropriate data is available. The Department also removed concentration thresholds for the incidental presence of PFOS (except for PFOS in AFFF), PFOA and LC-PFCAs, as the Department plans to further consult on and work towards specifying thresholds for these substances. For substances where a concentration threshold has not been set, the incidental presence is generally understood to be a residual, a trace contaminant or impurity that was not intentionally added to the formulation.

Time limit to authorized activities under Schedule 1

Comment: Two industry stakeholders from the EEE and chemical sectors requested clarifications with respect to the time limit of authorized activities (column 4) listed under Schedule 1 to the 2025 Regulations for which no conditions are provided (column 4 is empty).

Response: In response to these comments, the 2025 Regulations were modified to clarify that, when there are no conditions set out in column 4 of Schedule 1, there is no time limit to the activity.

Non-application of laboratory use

Comment: Two industry stakeholders from the EEE and chemical sectors requested clarifications on who is responsible for submitting the information required under Schedule 2 (i.e. the user of the substance or product or the supplier of the substance or product). In addition, an industry stakeholder suggested that research and development uses be excluded from laboratory reporting under subsection 4(2) of the proposed Regulations.

Response: No changes were proposed for laboratory use reporting requirements under the proposed Regulations. Consistent with the 2012 Regulations, under the 2025 Regulations, any person who intends to use a toxic substance or a product containing that substance (i.e. the laboratory user of the substance or product) is responsible for submitting information requested under Schedule 2. The prohibition does not apply to toxic substances, or to any products containing them, that are to be used in a laboratory for analysis, in scientific research, or as a laboratory analytical standard. Users of toxic substances for the above purposes are required to report certain information to the Minister as soon as feasible before the use of more than 10 g of any toxic substance in a calendar year. However, although research using toxic substances or products containing toxic substances under the 2025 Regulations is exempted, manufacture, sale or use of new products that contain prohibited toxic substances that may have been, for example, developed through scientific research is prohibited unless an exemption exists under the 2025 Regulations.

Indigenous engagement, consultation and modern treaty obligation

As required by the *Cabinet Directive on the Federal Approach to Modern Treaty Implementation*, an initial assessment of modern treaty implications was conducted. The initial assessment examined the geographical scope and subject matter of the 2025 Regulations in relation to modern treaties in effect and did not identify any modern treaty implications or obligations.

In accordance with the *United Nations Declaration on the Rights of Indigenous Peoples Act*, the 2025 Regulations have been assessed by the Department for consistency with the rights affirmed in the Declaration. No inconsistencies between the rights of Indigenous Peoples under the Declaration and the Regulations were identified as the purpose of the Regulations is to improve environmental protection and human health.

The 2025 Regulations help reduce the risk to the Southern Resident Killer Whale and St. Lawrence Estuary Beluga of exposure to toxic substances. These whale species hold significant cultural value for Indigenous Peoples. In addition, POPs are a specific threat to Arctic ecosystems and Indigenous Peoples, given the bioaccumulation of POPs in fish and mammals that are part of their traditional diet. Therefore, the 2025 Regulations are expected to be beneficial to all people in Canada, but especially to Indigenous Peoples who often have higher exposure to these substances based on location and/or diet. [30]

Instrument choice

When determining how to meet the objectives described above, three regulatory options were considered: (1) maintaining the status quo; (2) making amendments to the 2012 Regulations, as outlined in the 2018 Consultation Document; and (3) repealing and replacing the 2012 Regulations, with additional exemptions in response to stakeholder feedback. Non-regulatory options were not considered, as they would not meet the objectives of the 2025 Regulations.

Under the status quo option, risks to the Canadian environment associated with the manufacture, use, sale, offer for sale, and import of DP, DBDPE, PFOS, PFOA, LC-PFCAs, HBCD, and PBDEs would continue, as activities conducted under exemptions in the 2012 Regulations could continue indefinitely and there would be no new restrictions on DP or DBDPE. Although the 2025 Regulations include a number of exemptions, the uses are expected to decline as industry transitions to alternatives and the time limits on the exemptions are reached. In addition, under the status quo option, Canada would not be in a position to ratify amendments to the Stockholm Convention respecting DP, PFOS, PFOA, LC-PFCAs, HBCD, and PBDEs. Finally, the Government of Canada would not meet its commitments to increase regulatory controls for contaminants of concern under the Whales Initiative.

The proposed regulatory approach for PFOS, PFOA, LC-PFCAs, PBDEs, and HBCD in the 2018 Consultation Document was to amend the 2012 Regulations to remove all former exemptions, except for an exemption for decaBDE in replacement automotive parts until 2036. The Consultation Document also proposed that the 2012 Regulations be amended to prohibit the manufacture, import, use, sale and offer for sale of DP and DBDPE, as well as products that contain them. The amendments to the 2012 Regulations proposed in the 2018 Consultation Document would meet the environmental objective. However, this approach would not allow sufficient time for some sectors to transition to alternative substances, potentially leading to unintended impacts on human and environmental health, employment, and manufacturing activity.

Repealing and replacing the 2012 Regulations with the 2025 Regulations would meet the environmental objective, minimize impacts on industry by including several exemptions not included in the 2018 Consultation Document, and simplify the regulatory text by restructuring the 2012 Regulations rather than simply amending certain sections. The 2025 Regulations have taken into account feedback from stakeholders to ensure sufficient time to develop alternative substances where necessary. Thus, repealing the 2012 Regulations and replacing them with the 2025 Regulations are the chosen option.

Regulatory analysis

Benefits and costs

The 2025 Regulations prohibit the manufacture, use, sale and import of DP and DBDPE, as well as the products containing them, with certain time-limited exemptions. Additionally, the 2025 Regulations further restrict exemptions for PFOS, PFOA, LC-PFCAs, HBCD and PBDEs. It is expected that costs to transition away from PFOS, PFOA, LC-PFCAs, HBCD, and PBDEs will be minimal due to substitutes for these products being readily available. The majority of costs estimated in this analysis are thus attributable to DP and DBDPE, for which there are currently no available alternatives. The data that are available for the cost and actual use of DP and DBDPE are quite limited. Therefore, the analysis does not monetize the costs for the replacement of all DP and DBDPE, but only that used in the wire and cable sector.

From 2025 to 2039, the 2025 Regulations are estimated to lead to an increase in present value costs to industry of $6.56 million, and an increase in Government costs of $786,100, for a total cost of $7.35 million over the 15-year time frame of analysis.

Updates to the analysis following the publication of the proposed Regulations in the *Canada Gazette*, Part I

Since the publication of the proposed Regulations in the *Canada Gazette*, Part I, the 2025 Regulations have been amended to provide industry sufficient time to transition to alternatives for DP, DBDPE, PFOA, LC-PFCAs, HBCD and PBDEs. These amendments include broadening the scope of the exemptions for DP and DBDPE, as well as extending the timeline of the exemptions for DBDPE from 5 to 15 years. As a result of this extension, the time frame of analysis was also extended from 10 to 15 years to encompass the costs associated with the transition away from DBDPE. The analysis assumes that compliance costs are incurred over 4 years prior to the end of the DP (2030) and DBDPE (2040) exemptions. Thus, costs for DBDPE are assumed to be incurred later in this analysis than they were under the analysis for the proposed Regulations. Additionally, prices have been updated to be presented in 2024 Canadian dollars, and the base year to discount costs to present value has been updated to 2025.

In total, these updates led to a decrease in the estimated present value cost from $14.22 million to $7.35 million, which is driven mainly by the decrease in the present value costs to industry, which have decreased from $12.75 million to $6.56 million as a result of the DBDPE costs being incurred later in the analytical period.

Compliance costs

The 2025 Regulations are expected to result in compliance costs for:

1. manufacturers, users, sellers and importers of:

    (a) certain previously exempted products (including manufactured items) containing PFOS, PFOA or LC-PFCAs,

    (b) previously exempted manufactured items containing PBDEs, and

    (c) products containing HBCD, DP and DBDPE; and

2. users, sellers and importers of DP and DBDPE (i.e. the substances themselves).

The 2025 Regulations will not result in compliance costs for the manufacture, use, sale and import of PFOS, PFOA, LC-PFCAs, HBCD and PBDEs (i.e. the substances themselves) because they are already largely prohibited.

Compliance costs to manufacturers, users, sellers and importers of products containing substances subject to the 2025 Regulations will include substitution costs, reformulation costs, and testing and recertification costs incurred by domestic manufacturers or passed on by international suppliers. Alternative products containing compliant substances exist for most substances; however, the availability of alternatives remains unknown for products containing DP and DBDPE. Therefore, parties subject to the 2025 Regulations may choose to cease manufacturing, using, selling and importing non-compliant substances and products and replace them with compliant substances and products, which may be more expensive.

The use of PFOS, PFOA, LC-PFCAs, HBCD and PBDEs continues to be phased out globally. Some limited quantities of certain substances persist in, for example, vehicle, electronic, appliance and textile Canadian industries. Thus, substitution and reformulation costs for products containing the substances already listed in the 2012 Regulations are expected to decrease or remain relatively low. However, as in the case of DP and DBDPE, only limited cost and actual use data are available.

The sections below describe the expected compliance costs associated with the 2025 Regulations for each of the regulated substances. These estimates rely heavily on information provided to the Department during stakeholder consultations, where provided, and information from a socio-economic study commissioned by the Department. In cases where compliance cost data is unavailable, expected compliance costs are described qualitatively. All costs presented below are in 2024 dollars, and are discounted to present value (2025 base year) using a 7% discount rate unless stated otherwise.

Total incremental compliance costs to manufacturers of wire and cable products are estimated to be $6.56 million over the 15-year period of analysis (2025–2039). Additional compliance costs are expected to be incurred by manufacturers of land-based motor vehicles, defence, aerospace, and space products, stationary industrial machines, outdoor power equipment, EEE (including appliances), technical textiles, marine and garden products, specialized rubber products, industrial adhesives, and any other products containing DP and DBDPE. However, given a lack of information regarding the most likely alternatives, these costs have not been estimated. In some cases (such as replacement parts for land-based motor vehicles), these costs will occur after the period of analysis as a result of time-limited exemptions.

DP and DBDPE

The 2025 Regulations prohibit the manufacture, use, sale and import of DP and DBDPE, as well as products containing DP and DBDPE, with certain exemptions. These prohibitions affect manufacturers, importers and suppliers of substances, as well as of wire and cable coatings, land-based motor vehicles, defence, aerospace, and space products, stationary industrial machines, outdoor power equipment, marine and garden products, EEE (including appliances), technical textiles, industrial adhesives, industrial rubber products, and any other product containing DP and DBDPE.

A study commissioned by the Department, completed in January 2020 by ToxEcology Environmental Consulting Ltd., found that the costs of prohibiting DP and DBDPE remain uncertain because suitable alternatives do not appear to exist for some critical applications. The incremental impacts of prohibiting DP and DBDPE without exemptions include an increased risk to

1. public health, in the form of personal injury, death and property damage if alternative flame retardants are not used or are less effective;
2. environmental health, in the form of fire-related environmental damage; and
3. manufacturing activity and employment, in the form of high costs for, or losses in, domestic manufacturing in key sectors (e.g. transportation, equipment manufacturing, wire and cable manufacturing), with possible economic consequences for Canada and local communities employed by the facilities.

Since the completion of this study, the Department has consulted with stakeholders and developed exemptions, which are time-limited wherever possible, with the aim of mitigating these risks. The specific impacts expected for the various applications of DP and DBDPE are described below.

Wire and cable

DP and DBDPE are used as flame retardants in insulation coating for wire and cable products and in wire connection products. It is estimated that 185 tonnes of DBDPE and 10.3 tonnes of DP were used in Canada in 2018 to manufacture wire and cable coating products. This represents 55% and 28% of the total quantities used in Canadian manufactured products containing DBDPE and DP, respectively.

Because the exemptions outlined in the 2025 Regulations for these uses are mainly time-limited, compliance costs are expected to be incurred by manufacturers of products containing DP and DBDPE related to research, testing, trials, and recertification to transition to products containing alternative substances. Costs are assumed to be incurred over a four-year transition period prior to the exemptions expiring (costs for DP are incurred from 2026 to 2029, and for DBDPE from 2036 to 2039). Based on information provided to the Department by industry stakeholders, the present value costs are estimated to be about $5.9 million for products containing DBDPE and

$647,600 for products containing DP. Additional costs may also be incurred if replacement substances are more expensive or less effective than DBDPE and DP. Given a lack of price data and uncertainty regarding the most likely substitutes, these potential costs have not been estimated independently by the Department.

Automotive products

DP and DBDPE are used in automotive vehicles and are primarily contained in parts or components (i.e., manufactured items) that are imported into Canada ad then assembled into automotive vehicles. It is estimated that, in 2018, 80 tonnes of DBDPE and 26 tonnes of DP were included in parts assembled into automotive vehicles by Canadian manufacturers. This represents 24% and 72% of the total quantities used in Canadian manufactured products containing DBDPE and DP, respectively.

Because the exemptions outlined in the 2025 Regulations for these uses are mainly time-limited, compliance costs are expected to be incurred by automotive vehicle manufacturers to procure parts that use alternatives to DP and DBDPE. Due to a lack of data and uncertainty regarding the most likely substitutes, these costs have not been estimated.

Other applications

DP and/or DBDPE are also used in a number of other applications, including parts contained in land-based motor vehicle products, EEE (including appliances), defence, aerospace, and space products (including aerospace engines), stationary industrial machines, outdoor power equipment, marine and garden products, specialized rubber products such as industrial conveyer belts, technical textiles, and industrial adhesives. Similar to the applications described above, compliance costs are expected, but the price data and expected alternative substances for these applications are unknown at this time.

PFOA and LC-PFCAs

The exemptions from the 2012 Regulations for the use, sale and import of manufactured items containing PFOA and/or LC-PFCAs are not renewed in the 2025 Regulations. Time-limited exemptions will be maintained for certain products, including land-based motor vehicle parts as well as EEE parts containing certain semi-conductors.

Compliance costs associated with the removal of these exemptions are expected to be minimal, given the wide availability of alternatives and the time-limited exemptions provided to accommodate the transition of remaining critical uses. Moreover, compliance costs associated with the presence of these substances as unintentional trace contaminants in some manufactured items are expected to be minimal, as it is anticipated that most of these will be exempted under the qualitative incidental presence exemptions for these substances. PFOA and LC-PFCAs can be unintentionally produced during the manufacture of other PFAS and in other industrial processes.

Time-limited exemptions will also be maintained for the use of C8 AFFF under specific conditions to enable a transition to alternatives. Compliance costs associated with the use of the alternative C6 AFFF that may contain the prohibited substances as impurities are expected to be minimal, as it is anticipated that these alternative foams will be exempted under the qualitative incidental presence exemptions for these substances. Moreover, owners of firefighting systems containing or that have contained C8 AFFF may bear compliance costs related to the decontamination of systems being reused prior to transitioning to alternative foams, and the disposal of the foams and the wastes generated from the transition and decontamination of the systems. Alternative foams may get contaminated due to the re-emergence of PFOA and LC-PFCAs, their salts and precursors, remaining in systems as a result of the historical use of these substances. It is expected that the compliance costs resulting from this type of contamination would be minimal because the concentration levels resulting from adequate decontamination are anticipated to be exempted under the qualitative incidental presence exemptions for these substances. In

addition, stakeholders that transition to F3 could incur higher costs in the short term associated with the transition due to the technical challenges of using a product that is dissimilar to AFFF and that require changes to firefighting systems. Stakeholders that must use F3 that is compliant with military standards face additional procurement challenges, due to the limited availability of approved products and logistical challenges, in particular for facilities in remote locations.

PFOS, HBCD and PBDEs

The 2025 Regulations further restrict exemptions in the 2012 Regulations for the manufacture, use, sale and import of certain products that contain PFOS, HBCD, and PBDEs. Minimal compliance costs are expected, as the previously exempted uses have been phased out and stakeholders have access to alternatives.

Industry administrative costs

As noted in the "Description" section, the 2025 Regulations include changes that streamline and simplify the regulatory process, remove uncertainty, and reduce regulatory burden for industry. At the same time, the administrative requirements will now apply to two additional substances. Overall, these changes to reporting requirements are expected to result in a small net increase in administrative costs to industry. Total incremental administrative costs are estimated to be $6,400 over the period of analysis. Further details can be found in the "One-for-one rule" section below.

Government administrative costs

The Department is expected to incur incremental costs related to enforcement (e.g. training, inspections, investigations) and measures to deal with any alleged violations, and compliance promotion activities. The 2025 Regulations impose total administrative costs on the Department of $786,100 over the period of analysis.

With respect to enforcement costs, it is expected that there will be incremental costs required for the training of enforcement officers, for equipment, and for inspections. In total, incremental enforcement costs are estimated at about $771,300 over a 15-year period.

Compliance promotion activities are intended to encourage the regulated community to achieve compliance. Compliance promotion costs include distributing the final 2025 Regulations, developing and distributing promotional materials (such as a fact sheet and web material), market research through the purchase and analysis of products, and attending association conferences. These costs are assumed to be incurred in the first year of analysis and amount to about $6,800 in present value.

Furthermore, the Department is expected to incur ongoing costs related to the implementation of the 2025 Regulations, including for the review of permit applications and laboratory reports for DP and DBDPE. In total, these costs are estimated to be roughly $8,000 in present value terms over the 15-year time frame of the analysis.

Environmental benefits

The substances prohibited by the 2025 Regulations are amongst the most harmful to the environment and/or human health. They have been added to the list of toxic substances in Schedule 1 to CEPA, and are generally persistent and bioaccumulative. The ultimate environmental objective for these substances is to reduce their concentration in the Canadian environment to the greatest extent practicable by reducing or eliminating their releases.

The reduction of toxic substances entering the Canadian environment is expected to contribute to the protection of Canada's environment and wildlife. Given that limited data is currently available for some of these substances, it is challenging to accurately estimate the environmental benefits resulting from the 2025 Regulations. However, it is

expected that the 2025 Regulations will result in an improvement in environmental quality by contributing to a reduction of these substances and, ultimately, their releases to the environment over time.

The Stockholm Convention aims to protect human health and the environment from the harmful impact of POPs. This is accomplished by eliminating or severely restricting releases of POP industrial chemicals and pesticides, unintentionally produced POP by-products, and stockpiles and wastes containing POPs. Implementation of the Stockholm Convention results in reduced levels of POPs entering the Canadian environment and helps global efforts towards the elimination of these harmful substances, further protecting people in Canada and the environment. As mentioned earlier, the 2025 Regulations will, over time, put Canada in a position to ratify the DP, PFOA, HBCD, and PBDEs listings, and the amended PFOS listing, under the Stockholm Convention. In addition, the 2025 Regulations will help the Government of Canada in meeting its commitments under the Whales Initiative by addressing contaminant threats to the Southern Resident Killer Whale and St. Lawrence Estuary Beluga, which are both endangered. The preservation of both species is valuable to Canadian society, particularly Indigenous Peoples who have cultural and spiritual connections to these whales. Moreover, it is expected that reducing these contaminants will also be beneficial to the whales' ecosystems, including their prey.

Cost-benefit statement

Number of years: 15 (2025–2039)

Base year for costing: 2024

Present value base year: 2025

Discount rate: 7%

Table 1: Summary of monetized costs

Description of cost	Undiscounted – 2025	Undiscounted – 2029	Undiscounted – 2039	Total (present value)	Annualized value
Industry administrative net costs	1 300	-	-	6 400	700
Industry compliance costs	-	191 200	3 433 900	6 560 400	720 300
Total industry costs	**1 300**	**191 200**	**3 433 900**	**6 566 850**	**721 000**
Government costs	241 050	62 300	62 300	786 100	86 300
Total costs	**242 350**	**253 450**	**3 496 200**	**7 352 900**	**807 300**

Note: Figures may not add up to totals due to rounding

Quantified (non-$) and qualitative impacts

Positive impacts

- Reduced environmental risk associated with toxic substances.
- Implementation of the Stockholm Convention, which results in reduced levels of POPs entering the Canadian environment and helps global efforts to reduce POPs.

Negative impacts

- Compliance costs for research, testing, trials, and recertification to manufacturers of wire and cable coatings, land-based motor vehicles, defence, aerospace, and space products, stationary industrial machines, outdoor power equipment, marine and garden products, EEE, appliances, industrial adhesives, industrial rubber products, and any other product containing DP and DBDPE.
- Compliance costs associated with more expensive replacement substances.

Sensitivity analysis

The costs associated with the 2025 Regulations could be higher than estimated in the analysis for a variety of reasons. If regulatees are unable to switch to C6 AFFF but instead employ F3 as a replacement for C8 AFFF, it is expected that additional costs would be incurred. Additionally, if replacement substances for DP and DBDPE are more expensive than DP and DBDPE, there would be additional incremental costs that have not been captured in this analysis. Furthermore, the costs reported in the analysis are based on the quantity of DP and DBDPE manufactured in the wire and cable sector in Canada. Cost estimates for replacement in other sectors were not included in the analysis due to there being limited costing information available. If the analysis estimated the cost of transition for these sectors, the costs would be higher than estimated above.

Assuming other sectors incur similar costs on a per-tonne basis to the wire and cable sectors, the total cost of the 2025 Regulations would increase to $15.10 million. These costs reflect upfront costs to research, test, trial, and recertify replacements; however, additional costs may also be incurred if replacement substances are more expensive or less effective than DBDPE and DP. Given a lack of price data and uncertainty regarding the most likely substitutes, these potential costs have not been estimated. This estimate is based on a study commissioned by the Department, which estimated the quantity of these substances in Canada as well as the direct costs for research, testing, trials, and recertification of replacement in the wire and cable sector. This study estimates that, in 2018, there was a total of 336 tonnes of DBDPE used in manufacturing activities in Canada — 55% of which was used in wire and cable products, 24% of which was used in automotive manufacturing, 10% of which was used in other EEE products, 10% of which was used in industrial adhesives, and about 0.3% of which was used in industrial rubber products. The study also estimated 10.3 tonnes of DP were used in wire and cable product manufacturing and 26 tonnes were used in automotive manufacturing for a total of 36.3 tonnes.

Additionally, the central case analysis employs a 7% discount rate to calculate the present value cost of the 2025 Regulations. When values are not discounted, the net present value increases from $7.35 million to $15.62 million.

Small business lens

It is expected that 94 companies will be affected by the 2025 Regulations, 12 of which are considered small businesses. Of these small businesses, it is assumed that 3 businesses in the chemicals and textiles sectors will incur administrative costs. For these small businesses, the 2025 Regulations are expected to result in incremental administrative costs of $3,770 over the period of analysis—that is, about $1,255 per small business. Compliance costs to small businesses are expected to be minimal.

The 2025 Regulations do not provide specific flexibilities to small businesses, such as exceptions. Exceptions for small businesses with respect to the prohibition of toxic substances covered by the 2025 Regulations allow small businesses to manufacture, use, sell or import these substances, or products containing them, that do not respect the requirements faced by other regulated parties. Such a scenario would reduce the benefits to people in Canada and the environment associated with the prohibition of substances covered by the 2025 Regulations and compromise Canada’s ability to implement the Stockholm Convention.

The 2025 Regulations will provide time-limited exemptions for certain uses based on feedback from industry stakeholders, including small businesses. These exemptions serve to provide the industry with sufficient time to reformulate products to comply with the 2025 Regulations, which should help mitigate the risk of adverse financial outcomes.

Small business lens summary

- Number of small businesses impacted: 3
- Number of years: 15 years (2025 to 2039)
- Base year for costing: 2024
- Present value base year: 2025
- Discount rate: 7%

Table 3: Administrative costs

Activity	Annualized value	Present value
Total administrative cost	265	3 770
Total administrative cost per small business	90	1 255

These costs assume that two out of three small businesses eligible to apply for a permit will do so. This is based on the assumption that companies would choose this option if it leads to an overall reduction in their compliance costs.

One-for-one rule

The one-for-one rule applies, as the proposal results in a change in administrative burden on business. The 2025 Regulations repeal existing regulations and replace them with a new regulatory title, which results in no net increase or decrease in regulatory titles.

In line with the Department's red tape reduction efforts, the 2025 Regulations remove reporting requirements (former Schedule 5) related to the manufacture or import of short-chain chlorinated alkanes (SCCAs) or benzidine and benzidine dihydrochloride, or the import of a product containing one of these substances. The reporting requirement was put in place to monitor the presence of SCCAs in products and to ensure that benzidine and benzidine dihydrochloride were only used for permitted uses. Once the 2025 Regulations come into force, these reporting requirements, which are estimated to require 2.75 hours of employee time per company per year, will no longer apply. It is assumed that these administrative savings apply to one firm.

The 2025 Regulations require laboratories to report to the Minister the quantities of DP and DBDPE used if the quantity used is above 10 g per year. Based on information collected under section 71 of CEPA, it is expected that one laboratory would exceed this threshold. It is estimated that one firm will need to spend one hour in the first year to familiarize themselves with information obligations, and three and a half hours annually to keep records and to compile and submit reports.

The 2025 Regulations also include a permit provision allowing companies who currently manufacture or import DP or DBDPE, or eligible products containing these substances, or currently import or manufacture eligible products containing PFOA, LC-PFCAs, HBCD, or decaBDE to be issued a permit to continue to do so. Permits are valid for one year and are renewable twice (for a total maximum of up to three years). The 2025 Regulations include a number

of specific exemptions that provide compliance flexibility to address challenges the industry has raised that do not require a permit. The permit process provides an additional mechanism to deal with unforeseen challenges for products and activities that are not exempted. Companies will apply for a permit if the administrative costs are lower than the compliance option. It is assumed that six companies would apply for permits and will require three hours upfront to familiarize themselves with the requirements, and five hours in each of the three years where permits are available to complete and submit the permit applications. This is based on the assumption that any company that applies for a permit will do so for the whole three years.

The changes to the administrative requirements under the 2025 Regulations will lead to a net increase in the overall administrative burden to industry by $270 in average annualized costs. The increase in average annualized administrative cost per business will be approximately $21 per business. [31]

Regulatory cooperation and alignment

Stockholm Convention

Canada signed and ratified the Stockholm Convention in 2001. To date, there are 186 Parties to the Stockholm Convention, including major trading partners of Canada, such as the EU. The 2025 Regulations align the Government of Canada with the amended listing of PFOS in Annex B to the Stockholm Convention. Canada will also be aligned with the listings of DP, PFOA, LC-PFCAs, HBCD and decaBDE when certain exemptions in the 2025 Regulations expire. The listings for other PBDEs have already been ratified, as Canada met the Stockholm Convention requirements for these substances under the 2012 Regulations.

European Union

Through the 2025 Regulations, the Government of Canada will also move to harmonize its requirements with policy measures in other jurisdictions, such as the EU, which has implemented risk management actions to control many of the substances targeted by the 2025 Regulations.

For PFOA and LC-PFCAs, Canada will generally be aligned with the EU except for the inclusion of exemptions related to parts for land-based motor vehicles and AFFF containing these substances. The land-based motor vehicle exemptions will expire in Canada in late 2041 due to the distinctive reality of the North American integrated automotive market. The AFFF exemptions will expire for most sectors, except for the military sector, in 2027, whereas AFFF exemptions in the EU will expire in 2025. In addition, Canada has not provided exemptions available in the EU for medical imaging films, medical devices and the manufacture of certain fluoropolymers, all of which expired in the EU by mid-2025, due to a lack of domestic information indicating a need for these exemptions. Canada has not included the proposed concentration limits for the incidental presence of PFOS, PFOA and LC-PFCAs in products to avoid the unintentional disruption of product supply to Canada, to avoid putting Canada at a disadvantage on the recycling market and to avoid involuntarily hindering the transition to certain alternatives to these substances. While Canada will not be aligned with the limits in place in the EU, the incidental presence exemption from the 2012 Regulations has been maintained and is expected to avoid creating barriers to compliance. Further consultations for future amendments will help better inform the inclusion of concentration limits for the incidental presence of these substances.

For HBCD, Canada will be closely aligned with the EU except for the Canadian exemption for HBCD-containing replacement parts for land-based motor vehicles, which will expire at the end of 2031. For PBDEs, Canada will be closely aligned with the EU except for EEE intended for nuclear power generation facilities. Canada's concentration limits for the incidental presence of HBCD in products and PBDEs in EEE and other products will be aligned with the concentration limits under the EU Regulation (EU) 2019/1021 on POPs and restriction of the use of certain

hazardous substances in EEE. However, as of December 2025, the incidental presence thresholds for PBDEs in non-EEE products in the EU will be progressively lowered further. Canada will continue to seek alignment with other jurisdictions, where appropriate, and could consider lowering these thresholds in future regulatory amendments.

In March 2023, the EU published their regulatory strategy for flame retardants, which has a focus on brominated flame retardants and their prioritization for restriction, including DBDPE, as indicated in their Restrictions Roadmap. The strategy indicates that available data, including field studies, appear to confirm the persistence, bioaccumulative and toxic properties of the substance. On October 31, 2024, the ECHA updated the substance evaluation status for DBDPE as "Concluded" and published a Substance Evaluation Conclusion and Evaluation Report that considers DBDPE to meet the REACH Annex XIII very persistent and very bioaccumulative criteria, wide dispersive use and high aggregated tonnage concerns and the need for follow-up regulatory action at the EU level. The report notes the restriction of aromatic brominated flame retardants as proposed in ECHA's regulatory strategy for flame retardants appears as a logical continuation following formal hazard identification as very persistent and very bioaccumulative for DBDPE. On June 27, 2025, ECHA published a proposal for the identification of DBDPE as a substance of very high concern on the basis of the criteria set out in REACH Article 57.

In June 2024, the EU published a proposal to add DP to the EU's POPs Regulations to restrict the manufacture, use and sale of DP (whether alone as a substance, in a mixture or in an article) in concentrations greater than 1 mg/kg or 0.0001% by weight, with limited exemptions. The EU proposal would severely restrict DP activities to align with the requirements of the DP listing to the Stockholm Convention. Canada is mostly aligned with the DP requirements under the Stockholm Convention (phase-out with time-limited exemptions to allow the industrial transition away from DP).

United States

In the United States, the federal government has taken a range of regulatory actions to address PFOS, PFOA and LC-PFCAs, as well as the class of PFAS, in manufacturing and certain consumer products, [32] such as food packaging materials [33] and carpets. [34] Restrictions on PFOS, PFOA and LC-PFCAs have also been implemented in certain states and often as part of broader measures on the class of PFAS. Arkansas, California, Colorado, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Nevada, New Hampshire, Vermont, Washington, West Virginia, and Wisconsin have taken action to prohibit the use of firefighting foams containing any PFAS (e.g. AFFF). [35] Many states have also taken action to prohibit the use of PFAS in food packaging materials, including California, Connecticut, Hawaii, Maine, Maryland, Minnesota, New York, Vermont, and Washington, while some states, such as California, [36] Maine, [37]Vermont, [38] and Maryland [39] have taken broader measures on PFAS.

The control of PBDEs is partially aligned at the federal level with the United States. In June 2021, the U.S. EPA published its final rule for decaBDE and an updated proposal in November 2023. The rule prohibits all manufacture (including import), processing, and distribution in commerce of decaBDE, or decaBDE-containing products or articles, with some exclusions. Time-limited exclusions to the decaBDE final rule that align with Canada's controls include for wire and cable for nuclear power generation facilities and for motor vehicle parts (until 2036 or end of service life, whichever occurs first). Additional proposed provisions and exclusions of this rule also include those for aerospace vehicles, personal protective equipment, occupational exposure, recycling activities and releases to water. These exclusions provided in the United States were not included in the 2025 Regulations, as these Canadian industries did not indicate a need for them.

With regards to HBCD, Canada will be partially aligned with the United States, as risk management measures have been implemented in some U.S. states, such as California and Minnesota, for a limited number of consumer products, and have yet to be put in place in other states, or nationally. The U.S. EPA implemented a Significant New

Use Rule in 2015 for limited imported consumer textile articles, along with controls implemented in several US states. In June 2022, the U.S. EPA released a final revised risk determination for HBCD, which found that risk from import, processing, recycling, commercial use, and disposal of HBCD drive the whole chemical determination of unreasonable risk to the environment. The U.S. EPA is currently developing ways to address the risks identified in the final revised risk determination document. Although the United States is not a Party to the Stockholm Convention, the use of HBCD has been on the decline globally for several years. Therefore, this misalignment is not expected to interfere with trade, particularly for replacement parts in land-based motor vehicles.

With the revised exemptions for DBDPE in manufactured items, Canada will be generally aligned with the US for manufactured items and some intermediate materials. However, Canada will be more restrictive than the US for controls on DBDPE as a substance and some intermediate materials. In the US, DBDPE is listed as a new chemical and is subject to a Significant New Use Rule, which requires manufacturers and processors to notify the U.S. EPA before a new use for the manufacture, import or processing of DBDPE begins. In June 2021, the U.S. EPA made DBDPE subject to a Final Health and Safety Data Reporting rule pursuant to the TSCA as part of a grouping of 30 organohalogen flame retardants being evaluated for risks by the Consumer Product Safety Commission (CPSC). Furthermore, DBDPE is restricted in some consumer products under general flame-retardant restrictions in some states, such as California, Maine, New Hampshire and Rhode Island.

With the revised exemptions for DP in parts and products for various sectors, Canada will be generally aligned with the United States for products from those sectors. However, Canada will be more restrictive than the United States for controls on DP as a substance and in intermediate materials. In the United States, DP is listed under the TSCA inventory as a chemical in commerce and manufacturers and importers of DP are required to report relevant information to the U.S. EPA, including production and volumes.

The 2025 Regulations will also help the Government of Canada continue to progress in its efforts towards reducing anthropogenic releases of CMCs, which is also a priority for the United States as per the Great Lakes Water Quality Agreement.

Effects on the environment

The 2025 Regulations were developed under Canada's Chemicals Management Plan, a Government of Canada initiative aimed at reducing the risks posed by chemicals to people in Canada and their environment. The strategic environmental assessment for the Chemicals Management Plan concluded that actions taken under this initiative, such as the 2025 Regulations, which put controls in place for substances found to be toxic to the environment, will lead to positive outcomes for people in Canada and the environment. This anticipated outcome is directly in line with goal 12 (Reduce waste and transition to zero-emission vehicles) of the 2022–2026 Federal Sustainable Development Strategy, which relates to managing risks to protect people in Canada from harmful substances. The anticipated outcome also supports goals 2 (Support a healthier and more sustainable food system), 14 (Conserve and protect Canada's oceans) and 15 (Protect and recover species, conserve Canadian biodiversity), which relate to supporting healthier Canadian foods systems, including Indigenous Peoples' access to safe traditional food, reducing marine pollution from land-based activities, and protecting threatened species, including whales.

Gender-based analysis plus

The 2025 Regulations are expected to be beneficial to all people in Canada; however, they are expected to be especially beneficial to Indigenous Peoples. Benefits associated with protecting the Southern Resident Killer Whale and St. Lawrence Estuary Beluga may be felt more strongly by Indigenous Peoples, given the significant cultural value associated with these species. In addition, the 2025 Regulations are expected to decrease the risk of

exposure to POPs, which represent a specific threat to Arctic ecosystems and Indigenous Peoples given the bioaccumulation of POPs in fish and mammals that are part of their traditional diet. As a result, Indigenous Peoples may benefit more from a reduction in POPs.

Right to a healthy environment

Under CEPA, the Government of Canada has a duty to protect the right to a heathy environment, as provided for under CEPA. Although work on the 2025 Regulations began before the implementation framework of the right was published pursuant to section 5.1 of the Act, the analysis undertaken by the Department to inform the 2025 Regulations aligns with the framework by supporting the protection from harmful substances, pollutants, and waste. Additionally, the Department consulted with interested parties, including Indigenous partners (see the "Consultation" section), and considered populations that may be disproportionately impacted (see the "Gender-based analysis plus" section). The 2025 Regulations target toxic substances that are listed in Schedule 1 to CEPA and that are among the most harmful to the environment and/or human health. These substances are generally persistent and bioaccumulative. The 2025 Regulations aim to reduce their concentration in the Canadian environment to the greatest extent practicable by reducing or eliminating their releases. Thus, the publication of the 2025 Regulations supports continued protection of human health and the environment.

Implementation, compliance and enforcement, and service standards

Implementation

The 2025 Regulations will come into force six months after the day on which they are published. Information and fact sheets on the 2025 Regulations will be published on the Department's website when the 2025 Regulations are published.

Compliance and enforcement

The compliance plan for the 2025 Regulations will build on the existing compliance promotion program associated with the current 2012 Regulations. Activities of the current program include maintaining a stakeholder database, reviewing reports and permit applications for completeness and accuracy, responding to inquiries from stakeholders, conducting targeted outreach to specific sectors, and maintaining a web page on the CEPA Registry.

The Department will undertake additional outreach activities to raise stakeholder awareness of the 2025 Regulations and the associated requirements. The compliance promotion approach for the 2025 Regulations will include facilitating information sessions, conducting a campaign blitz to verify the awareness and understanding of regulatory requirements, undertaking market research for performance measurement, and preparing and delivering compliance promotion materials outlining the proposed changes to the current 2012 Regulations, such as fact sheets or web materials.

As the 2025 Regulations are made under CEPA, implementation and enforcement will be undertaken by the Department in accordance with the *Compliance and Enforcement Policy for the Canadian Environmental Protection Act, 1999* (the Policy). Enforcement officers will apply the Policy when verifying compliance with the regulatory requirements. The Policy sets out the range of possible responses to alleged violations, including warnings, directions, environmental protection compliance orders, ticketing, ministerial orders, injunctions, prosecution, and environmental protection alternative measures, which are an alternative to a court trial after the laying of charges for a violation under CEPA. In addition, the Policy explains when the Department would resort to civil suits by the Crown for cost recovery. Following an inspection or investigation, when an enforcement officer discovers an alleged violation, the officer would choose the appropriate enforcement action based on the Policy.

Service standards

The 2025 Regulations include reporting requirements for laboratory users. The receipt of reports will be acknowledged within 10 working days. The Department may seek further information from reporters if necessary, following the review of the report. The 2025 Regulations also include provisions for regulated parties to request permits from the Minister. The applications for permits will be reviewed by the Department. The administrative procedure for processing permit applications may take up to 90 working days, upon submission of all the required information.

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Footnotes

a S.C. 2023, c. 12, s. 55

b S.C. 1999, c. 33

c S.C. 2015, c. 3, par. 172(d)

d S.C. 2023, c. 12, ss. 33(1) to (6)

1 SOR/2012-134

2 SOR/2012-285

3 1,4:7,10-Dimethanodibenzo[a,e]cyclooctene, 1,2,3,4,7,8,9,10,13,13,14, 140dodecachloro-1,4,4a,5,6,6a,7,10,10a,11,12,12a-dodecahydro-, which has the molecular formula $C_{18}H_{12}Cl_{12}$

4 Benzene, 1,1'-(1,2-ethanediyl)bis [2,3,4,5,6-pentabromo-, which has the molecular formula $C_{14}H_4Br_{10}$

5 Compounds that contain one of the following groups: $C_8F_{17}SO_2$, $C_8F_{17}SO_3$ or $C_8F_{17}SO_2N$

6 With molecular formula $C_7F_{15}CO_2H$

7 Compounds that consist of a perfluorinated alkyl group that has the molecular formula C_nF_{2n+1} in which n = 7 or 8 and that is directly bonded to any chemical moiety other than a fluorine, chlorine or bromine atom

8 With molecular formula $C_nF_{2n+1}CO_2H$ in which $8 \leq n \leq 20$

9 Compounds that consist of a perfluorinated alkyl group that has the molecular formula C_nF_{2n+1} in which $8 \leq n \leq 20$ and that is directly bonded to any chemical moiety other than a fluorine, chlorine or bromine atom

10 With molecular formula $C_{12}H_{18}Br_6$

11 With molecular formula $C_{12}H_{(10-n)}Br_nO$ in which $4 \leq n \leq 10$

12 While, under subsection 3(1) of CEPA, “manufactured items” are excluded from the definition of “substance” for the purposes of the New Substances Notifications regime of CEPA, section 3.2.2 of the *Guidance document for the New Substances Notification Regulations (Chemicals and Polymers)* sets out that, where a substance is intended to be released from a manufactured item, the substance may be subject to notification (the release of a substance is considered to be intended if it occurs during the use of the manufactured item, and the release contributes to a function of the manufactured item).

13 Actions the Government is taking to reduce the impacts of the priority threat of contaminants will also support the recovery of the North Atlantic Right Whales.

14 Simond, A.E., Houde, M., Lesage, V., Verreault, J. 2017. Environmental Research 156, 494–504 (PDF)

15 “Sell,” as defined under subsection 3(1) of CEPA, “includes offering for sale or lease, have in possession for sale or lease or deliver for sale or lease” and, as defined under subsection 93(2) of CEPA, “includes, in respect of a substance, the transfer of the physical possession or control of the substance.”

16 Item 24 of Schedule 1 to the 2025 Regulations.

17 Item 25 of Schedule 1 to the 2025 Regulations.

18 Item 18 of Schedule 1 to the 2025 Regulations.

19 Item 19 of Schedule 1 to the 2025 Regulations.

20 Item 20 of Schedule 1 to the 2025 Regulations.

21 LC-PFCAs include the four new fluorotelomer-based substances listed individually to the 2012 Regulations. Since these substances, identified below, are precursors to LC-PFCAs, the Department is proposing to remove their separate listings and consolidate their regulatory requirements under the regulatory requirements for LC-PFCAs.

1. Hexane, 1,6-diisocyanato—, homopolymer, reaction products with alpha-fluoro-omega-2-hydroxyethyl-poly(difluoromethylene), C16-20-branched alcohols and 1-octadecanol
2. 2-Propenoic acid, 2-methyl—, hexadecyl ester, polymers with 2-hydroxyethyl methacrylate, gamma-omega-perfluoro-C10-16-alkyl acrylate and stearyl methacrylate
3. 2-Propenoic acid, 2-methyl-, 2-methylpropyl ester, polymer with butyl 2-propenoate and 2,5 furandione, gamma-omega-perfluoro-C8-14-alkyl esters, tert-Bu benzenecarboperoxoate-initiated
4. 2-Propen-1-ol, reaction products with pentafluoroiodoethane tetrafluoroethylene telomer, dehydroiodinated, reaction products with epichlorohydrin and triethylenetetramine

22 Mutual aid partners are part of agreements between emergency responders from different organizations to help one another across jurisdictional boundaries during emergencies. For example, neighbouring municipalities, townships, airports or oil and gas facilities may agree to provide resources (such as AFFF) and/or personnel during emergency firefighting operations.

23 A manufactured item is to be read as a reference to “any manufactured item that is formed into a specific physical shape or design during its manufacture and that has, for its final use, a function or functions dependent in whole or in part on its shape or design.”

24 Item 13 of Schedule 1 to the 2025 Regulations.

25 Items 14 and 15 of Schedule 1 to the 2025 Regulations.

26 Screening assessment for DP and screening assessment for DBDPE.

27 Risk management approach for DP and risk management approach for DBDPE.

28 Quick Search Assist MIL-PRF-24385

29 Standards Council of Canada

30 Update to Canada’s National Implementation Plan under the Stockholm Convention on Persistent Organic Pollutants

31 Values are calculated using a 10-year time frame, discounted at 7% in constant 2012 Canadian dollars with a present value base year of 2012. The non-rounded increase in annualized average administrative costs was estimated at $268 or $20.64 per business.

32 EPA Risk Management for Per- and Polyfluoroalkyl Substances (PFAS) under TSCA

33 FDA Authorized Uses of PFAS in Food Contact Applications

34 EPA Significant New Use Rules: Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances

35 Safer States - State Action on PFAS - States Take Lead on Restricting PFAS Chemicals (PDF)

36 Bill Text - AB-652 Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances; Bill Text - AB-1817 Product safety: textile articles: perfluoroalkyl and polyfluoroalkyl substances (PFAS); and Bill Text—AB-2771 Cosmetic products: safety

37 Maine LD1503 - An Act To Stop Perfluoroalkyl and Polyfluoroalkyl Substances Pollution–Track Bill

38 Vermont Draft Bill Template (PDF)

39 State of Maryland. 2021. An Act concerning Public Health – Cosmetic Products – Ingredient Prohibition. Section 21-259.2. Annotated Code of Maryland.