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Order Amending Schedule 3 to the Canadian Environmental Protection Act, 1999: SOR/2026-28

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Registration

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CANADIAN ENVIRONMENTAL PROTECTION ACT, 1999

Whereas, pursuant to 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 Order Amending Schedule 3 to the Canadian Environmental Protection Act, 1999, substantially in the annexed form, and persons were given an opportunity to file comments with respect to the proposed Order or to file a notice of objection requesting that a board of review be established and stating the reasons for the objection;

Therefore, the Minister of the Environment and the Minister of Health, pursuant to section 100 of the Canadian Environmental Protection Act, 1999 ^b, make the annexed Order Amending Schedule 3 to the Canadian Environmental Protection Act, 1999.

Ottawa, February 6, 2026

Julie Dabrusin

Minister of the Environment

Ottawa, February 13, 2026

Marjorie Michel

Minister of Health

Order Amending Schedule 3 to the Canadian Environmental Protection Act, 1999

Amendments

1 Items 2 and 3 of Part 1 of Schedule 3 to the *Canadian Environmental Protection Act, 1999* ^b are replaced by the following:

2 Polybrominated biphenyls that have the molecular formula $C_{12}H_{(10-n)}Br_n$ in which “n” is greater than 2, including

(a) Hexabromobiphenyl (CAS 36355-01-8)

(b) Octabromobiphenyl (CAS 27858-07-7)

(c) Decabromobiphenyl (CAS 13654-09-6)

3 Polychlorinated terphenyls that have the molecular formula $C_{18}H_{(14-n)}Cl_n$ in which “n” is greater than 2 (CAS 61788-33-8)

2 Item 6 of Part 1 of Schedule 3 to the Act is replaced by the following:

6 Phosphamidon (2-chloro-2-diethylcarbamoyl-1-methylvinyl dimethyl phosphate) (CAS 13171-21-6) and its isomers

(a) (Z)-isomer (CAS 23783-98-4)

(b) (E)-isomer (CAS 297-99-4)

3 Item 8 of Part 1 of Schedule 3 to the Act is replaced by the following:

8 2,3,4,5-bis(2-butylene)tetrahydro-2-furaldehyde (CAS 126-15-8)

4 Item 9 of Part 2 of Schedule 3 to the Act is replaced by the following:

9 Dinoseb (CAS 88-85-7) and its salts and esters

5 Item 16 of Part 2 of Schedule 3 to the French version of the Act is replaced by the following:

16 Composés du mercure, notamment les composés inorganiques et les composés du type alkylmercure, alkyloxyalkyle et arylmercure

6 Item 17 of Part 2 of Schedule 3 to the Act is replaced by the following:

17 Pentachlorophenol (CAS 87-86-5) and its salts and esters

7 Item 29 of Part 2 of Schedule 3 to the Act is replaced by the following:

29 Dinitro-ortho-cresol (DNOC) (CAS 534-52-1) and its salts, including

(a) DNOC-ammonium (CAS 2980-64-5)

(b) DNOC-potassium (CAS 5787-96-2)

(c) DNOC-sodium (CAS 2312-76-7)

8 Item 34 of Part 2 of Schedule 3 to the Act is replaced by the following:

34 Endosulfan (CAS 115-29-7) and its isomers

(a) Alpha-endosulfan (CAS 959-98-8)

(b) Beta-endosulfan (CAS 33213-65-9)

9 The portion of item 35 of Part 2 of Schedule 3 to the Act before paragraph (a) is replaced by the following:

35 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 $C_8F_{17}SO_2N$, including

10 Part 2 of Schedule 3 to the Act is amended by adding the following in numerical order:

36 Hexabromocyclododecane, which has the molecular formula $C_{12}H_{18}Br_6$ (CAS 25637-99-4), including

- (a) 1,2,5,6,9,10-hexabromocyclododecane (CAS 3194-55-6)
- (b) Alpha-hexabromocyclododecane (CAS 134237-50-6)
- (c) Beta-hexabromocyclododecane (CAS 134237-51-7)
- (d) Gamma-hexabromocyclododecane (CAS 134237-52-8)

37 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

38 Phorate (CAS 298-02-2)

39 Polybrominated diphenyl ethers that have the molecular formula $C_{12}H_{(10-n)}Br_nO$ in which $4 \leq n \leq 10$, including

- (a) Tetrabromodiphenyl ether (CAS 40088-47-9)
- (b) Pentabromodiphenyl ether (CAS 32534-81-9)
- (c) Hexabromodiphenyl ether (CAS 36483-60-0)
- (d) Heptabromodiphenyl ether (CAS 68928-80-3)
- (e) Decabromodiphenyl ether (CAS 1163-19-5)

11 Item 18 of Part 3 of Schedule 3 to the Act is repealed.

12 (1) Part 3 of Schedule 3 to the Act is amended by adding the following in numerical order:

21 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

22 Ferbam (CAS 14484-64-1)

(2) Part 3 of Schedule 3 to the Act is amended by adding the following in numerical order:

23 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,11,12,12a-dodecahydro-, which has the molecular formula $C_{18}H_{12}Cl_{12}$ (CAS 13560-89-9)

Coming into Force

13 (1) Subject to subsection (2), this Order comes into force on the day on which the *Prohibition of Certain Toxic Substances Regulations, 2025* come into force, but if it is registered after that day, it comes into force on the day on which it is registered.

(2) Subsection 12(2) of this Order comes into force on the fifth anniversary of the day on which the *Prohibition of Certain Toxic Substances Regulations, 2025* are published in the *Canada Gazette*, Part II.

REGULATORY IMPACT ANALYSIS STATEMENT

(This statement is not part of the Order.)

Issues

As a Party to the *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade* (the Rotterdam Convention), Canada is obligated to provide an export notification to importing Parties prior to the export of chemicals that are subject to a domestic prohibition or severe restriction. In Canada, the following substances are currently prohibited or restricted by regulatory measures, or will be restricted:

- perfluorooctanoic acid, its salts and precursors (hereafter collectively referred to as PFOA);
- long-chain (C₉-C₂₁) perfluorocarboxylic acids, their salts and precursors (hereafter collectively referred to as LC-PFCAs);
- hexabromocyclododecane (HBCD);
- polybrominated diphenyl ethers (PBDEs);
- Dechlorane Plus (DP); and
- ferbam.

The use of PFOA, LC-PFCAs, HBCD and PBDEs has been restricted under the *Prohibition of Certain Toxic Substances Regulations, 2012* and will be further restricted under the *Prohibition of Certain Toxic Substances Regulations, 2025*.¹ Additionally, restrictions on the use of DP will be introduced under the *Prohibition of Certain Toxic Substances Regulations, 2025*. The latter Regulations will repeal and replace the *Prohibition of Certain Toxic Substances Regulations, 2012* and were published on December 31, 2025, in Part II of the *Canada Gazette*. Moreover, ferbam was re-evaluated under the *Pest Control Products Act* (PCPA), and it was concluded that the substance presented an unacceptable risk to human health. All registered pesticide uses of ferbam are prohibited as of December 14, 2021. In addition to these domestic measures, HBCD, PFOA and PBDEs are listed in Annex III of the Rotterdam Convention. As a result, regulatory controls on the export of these substances are being established to ensure Canada's continued compliance with the Rotterdam Convention. By listing these substances to the Export Control List (ECL) in Schedule 3 to the *Canadian Environmental Protection Act, 1999* (CEPA), they will be subject to regulatory controls found in the *Export of Substances on the Export Control List Regulations* (ESECLR).

In addition, the descriptions of certain substances currently listed on the ECL will be amended to better align with those under the Rotterdam Convention and the *Stockholm Convention on Persistent Organic Pollutants* (the Stockholm Convention) and related domestic risk management instruments. These amendments are for clarification only and do not modify the scope of the listings.

Background

PFOA and LC-PFCAs have water-, oil-, dirt- and grease-repellant properties, and can be 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 (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 is an additive flame retardant that is 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, and marine and garden products as well as in aerospace, space and defence applications.

Ferbam is a protectant fungicide that was registered in Canada to control various fungal diseases on pome and stone fruits, greenhouse vegetables, grapes, berries, tobacco (seed bed), and spruce cones.

The Rotterdam Convention

The Rotterdam Convention imparts obligations for exports of substances listed in its Annex III as well as substances subject to domestic controls that prohibit or severely restrict their use. Substances listed in Annex III of the Rotterdam Convention are subject to the Prior Informed Consent procedure, which requires the consent of the importing country. For substances that are subject to a domestic prohibition or severe restrictions and that are not listed in Annex III of the Rotterdam Convention, Canada is obligated to provide a notification of export to importing Parties prior to the export.

The Stockholm Convention

The Stockholm Convention is a global treaty to protect human health and the environment from chemicals that remain intact in the environment for long periods, become widely distributed geographically, may accumulate in humans and wildlife, and have potential for harmful impacts on human health or on the environment. Substances listed on the ECL that are also listed in Annex A or

Annex B of the Stockholm Convention by an amendment that is in force for Canada are regulated as persistent organic pollutants (POPs) under the ESECLR. The export of POPs is prohibited, with certain exceptions in accordance with the Stockholm Convention.

Export Control List

Canada has committed to shared responsibility and cooperative efforts at the international level to address the international trade in chemicals and pesticides. The ECL, found in Schedule 3 to CEPA, and the associated ESECLR help Canada to meet its international obligations.

The ECL is a list of substances whose export is controlled because their use in Canada is prohibited or restricted, or because Canada has accepted to control their export under the terms of an international agreement. Section 100 of CEPA provides the Minister of the Environment (the Minister) and the Minister of Health with the authority to add or delete substances from the ECL by order.

Substances on the ECL are grouped into three parts:

- Substances specified in Part 1 are subject to a prohibition on their use in Canada. They can be exported for the purpose of destruction or to comply with a direction issued by the Minister under subparagraph 99(b)(iii) of CEPA.
- Substances specified in Part 2 are subject to an international agreement where exports require the notification or consent of the importing country.
- Substances specified in Part 3 are subject to domestic controls which restrict their use in Canada.

Export of Substances on the Export Control List Regulations

The ESECLR prohibits or establishes regulatory conditions on the export of substances listed on the ECL. It describes the manner in which to notify the Minister of proposed exports. The ESECLR enables Canada to meet its international export obligations under the Rotterdam Convention and Stockholm Convention, among other instruments. With respect to the Rotterdam Convention, the ESECLR provides a permitting scheme for exports to Parties to the Rotterdam Convention. With respect to the Stockholm Convention, the export of POPs is prohibited, with certain exceptions in accordance with the Stockholm Convention. Canada is a Party to both of these conventions.

Exporters of listed substances are obligated to provide prior notice to the Minister ahead of exports pursuant to the ESECLR. In addition, when exporting to a Party to the Rotterdam Convention, an export permit may be required pursuant to the ESECLR.

Objective

The objective of the *Order Amending Schedule 3 to the Canadian Environmental Protection Act, 1999* (the Order) is to add substances to the ECL, thus making them subject to the ESECLR and ensuring Canada's continued compliance with the Rotterdam Convention. These substances are subject to domestic regulatory controls or have been added to the Rotterdam Convention.

In addition, the Order aligns descriptions of certain substances currently listed on the ECL with those under the Rotterdam Convention, the Stockholm Convention and related domestic risk management instruments.

Description

The Order will add substances to the ECL, thus making them subject to the ESECLR. In addition, the descriptions of some substances currently listed on the ECL will be amended to better align with those under the Rotterdam Convention, the Stockholm Convention and domestic risk management instruments. These amendments are for clarification only and do not modify the scope of the listings.

The Order will come into force on the day on which the *Prohibition of Certain Toxic Substances Regulations, 2025* come into force. However, the addition of DP to the ECL will only come into force on the fifth anniversary of the day on which the *Prohibition of Certain Toxic Substances Regulations, 2025* were published in the *Canada Gazette*, Part II, to align with the expiry of certain exemptions under these regulations, which will lead to the use of DP being severely restricted domestically and therefore subject to obligations under the Rotterdam Convention.

Additions to Part 2 of the ECL

The Order will add the following substances and groups of substances, which are listed in Annex III to the Rotterdam Convention, to Part 2 of the ECL, making their export subject to the ESECLR:

- Hexabromocyclododecane (HBCD), which has the molecular formula $C_{12}H_{18}Br_6$ (CAS $\overset{2}{2}$ 25637-99-4), including
 - (a) 1,2,5,6,9,10-hexabromocyclododecane (CAS 3194-55-6)
 - (b) Alpha-hexabromocyclododecane (CAS 134237-50-6)
 - (c) Beta-hexabromocyclododecane (CAS 134237-51-7)
 - (d) Gamma-hexabromocyclododecane (CAS 134237-52-8)
- 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 (PFOA)
- Polybrominated diphenyl ethers (PBDEs) that have the molecular formula $C_{12}H_{(10-n)}Br_nO$ in which $4 \leq n \leq 10$, including
 - (a) Tetrabromodiphenyl ether (CAS 40088-47-9)
 - (b) Pentabromodiphenyl ether (CAS 32534-81-9)
 - (c) Hexabromodiphenyl ether (CAS 36483-60-0)
 - (d) Heptabromodiphenyl ether (CAS 68928-80-3)
 - (e) Decabromodiphenyl ether (CAS 1163-19-5)

Additions to Part 3 of the ECL

The Order will add the following substances and groups of substances, the use of which is restricted under domestic legislation, to Part 3 of the ECL, making their export subject to the ESECLR:

- 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 (LC-PFCAs)
- Ferbam (CAS 14484-64-1)

The Order will also add the following substance to Part 3 of the ECL on the fifth anniversary of the day on which the *Prohibition of Certain Toxic Substances Regulations, 2025* are published in the *Canada Gazette*, Part II, which coincides with its use becoming severely restricted domestically, thus making its export subject to the ESECLR:

- 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,11,12, 12a-dodecahydro-, which has the molecular formula $C_{18}H_{12}Cl_{12}$ ³ (CAS 13560-89-9) [DP].

Modifications to substances currently listed on the ECL

Phorate is currently listed in Part 3 of the ECL because its use is severely restricted under the PCPA. Since it was recently listed in Annex III of the Rotterdam Convention, it will now be moved from Part 3 to Part 2 of the ECL.

The descriptions of certain substances listed to Part 1 and Part 2 of the ECL will be amended to ensure greater clarity. These changes will provide consistency among the ECL and domestic risk management instruments, such as the *Prohibition of Certain Toxic Substances Regulations, 2025*, as well as the Rotterdam Convention and Stockholm Convention. Therefore, certain substances and their associated CAS Registry Number will be included as part of certain listings for clarification only, and are not meant to represent an exhaustive list nor to modify the scope of the listings.

Regulatory development

Consultation

Consultation prior to the publication of the proposed Order in the Canada Gazette, Part I

A consultation document describing the proposed *Order Amending Schedule 3 to the Canadian Environmental Protection Act, 1999* (the proposed Order) was published on March 12, 2020, on the CEPA Registry for a 30-day public comment period, to which an extension was provided in light of the COVID-19 pandemic situation. Approximately 5 000 stakeholders were notified of the publication of the consultation document via email and two comments were received. Furthermore, additional

engagement with the automotive sector and the electronic and electrical equipment sector has occurred through working groups with representatives from the Department of the Environment (the Department) and the industry.

One stakeholder requested that the proposed Order not restrict the ability of products containing a substance proposed for addition to freely move across borders. The proposed Order would not prohibit any export on its own. However, the proposed Order would subject additional substances to controls established under the ESECLR that are in line with the Stockholm Convention and Rotterdam Convention, which could prohibit certain exports.

Another comment received indicated that providing a notice of proposed export before each shipment of products containing a substance proposed for addition would be extremely burdensome and would entail additional costs for exporting companies. While there is no exemption to the requirement to provide notification prior to exporting a substance listed to the ECL, a single notification can be provided for multiple shipments, thus reducing the burden on exporting companies.

Consultation following the publication of the proposed Order in the Canada Gazette, Part I

The proposed Order was published in the *Canada Gazette*, Part I on May 14, 2022, which initiated a 75-day public comment period when interested parties were invited to submit their written comments. The proposed Order was posted on the CEPA Registry to make it broadly available to interested parties. The Department notified interested parties to inform them of the public comment period. The Department also sent a letter to the CEPA National Advisory Committee members to inform them of the publication of the *proposed Prohibition of Certain Toxic Substances Regulations, 2022* and the proposed Order, and of the opportunity to submit written comments. Two webinars (one in English and one in French) were held regarding the proposed *Prohibition of Certain Toxic Substances Regulations, 2022* and the proposed Order during the consultation period. Furthermore, additional engagement with the automotive sector has occurred through working groups with representatives from the Department and the industry.

The Department received a total of 18 comments from interested parties (industry and industry associations) regarding the proposed Order. While comments were generally supportive of Canada's efforts to meet its export obligations under the Rotterdam Convention and Stockholm Convention, concerns were raised with the addition of DP and decabromodiphenyl ethane (DBDPE) to the ECL.

Comment: One industry association was concerned that substances were being proposed for addition to the ECL when they were not listed in an international agreement such as the Stockholm Convention, citing that it was premature for the Department to add these substances to the ECL.

Response: The Rotterdam Convention imparts obligations for exports of substances that are either listed in its Annex III or that are subject to domestic controls that prohibit or severely restrict their use. When domestic controls on the use of substances are being developed in Canada, the Department assesses whether these measures would be considered a prohibition or severe restriction under the Rotterdam Convention. This assessment is ongoing throughout the regulatory development process to ensure that decisions to list substances on the ECL are based on the final risk management measures.

As a result of comments received from interested parties regarding the proposed *Prohibition of Certain Toxic Substances Regulations, 2022*, the scope of the exemptions for DP and DBDPE under the *Prohibition of Certain Toxic Substances Regulations, 2025* was broadened and the timelines associated with these exemptions were extended. Given these changes to the final domestic risk management measures, DP is being added to the ECL with a delayed entry into force, which coincides with its use becoming severely restricted under the *Prohibition of Certain Toxic Substances Regulations, 2025*, and DBDPE is no longer being added to the ECL at this time.

Comment: One industry stakeholder noted that providing a notice of proposed export to the Department 15 days prior to an export would impose an administrative burden, given their large volume of exports on any given calendar day. The stakeholder requested an exemption from this requirement under ESECLR or the ability to provide a retrospective annual report instead of notices of proposed export.

Response: While it is not possible to exempt the prior notice requirement since it is a requirement under CEPA, in order to reduce administrative burden, a notice of proposed export containing information on multiple shipments expected throughout the year could be submitted with estimated information, with regular updates containing revisions, if necessary.

Comment: Industry associations also noted that certain manufactured items containing DP could be exported from Canada to conduct repairs overseas.

Response: Upon the coming into force of the listing of DP to the ECL, these exports will become subject to the requirements under the ESECLR.

Comment: One industry association indicated that the Department underestimated administrative costs attributable to the proposed Order, highlighting that, for substances for which exemptions are in place under the *Prohibition of Certain Toxic Substances Regulations, 2025*, such as DBDPE, the costs are likely higher, given that the substances will remain in multiple products for several years.

Response: The administrative costs attributable to the proposed Order were revised and are described below. However, given that DBDPE is no longer being added to the ECL and that DP will be added with a delayed entry into force, the costs associated with the Order have decreased.

Indigenous engagement, consultation and modern treaty obligations

As required by the *Cabinet Directive on the Federal Approach to Modern Treaty Implementation*, an initial assessment of modern treaty implications was conducted. The assessment examined the geographic scope and subject matter of the Order 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 Order has 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 Order were identified as the purpose of the Order is to improve environmental protection and human health.

Instrument choice

The ECL is the only instrument available to ensure the export controls necessary to meet Canada's obligations under the Rotterdam Convention and Stockholm Convention are in place. Thus, other instruments were not considered.

Regulatory analysis

Benefits and costs

The addition of HBCD, PBDEs, PFOA, LC-PFCAs, DP, and ferbam to the ECL will subject these substances to the ESECLR. This is expected to result in an incremental increase in administrative costs to industry and the Government, given that required administrative activities, such as the submission of notices of proposed export, will apply to additional substances. The total costs attributable to the Order are estimated to be about \$304 150 over a 10-year period from 2025 to 2034.⁴

The increase in administrative costs to industry is expected to affect a limited number of stakeholders, given the limited number of different products exported containing substances that are added to the ECL. HBCD, PBDEs, PFOA and LC-PFCAs have been restricted in Canada for several years and all registered ferbam pest control products have been phased out. Therefore, exports of these substances and products containing them are expected to be low. DP will be newly regulated under the *Prohibition of Certain Toxic Substances Regulations, 2025*; therefore, it is expected that this substance, and products containing it, are most likely to be exported.

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

Since the publication of the proposed Order in the *Canada Gazette*, Part I, the Order has been amended to better align export controls with domestic measures taken to restrict the use of substances in Canada. These amendments include the removal of DBDPE from the list of substances the Order is adding to the ECL, and the introduction of a 5-year delay in the entry into force for the listing of DP. Although the time requirements used to calculate administrative costs associated with notices of proposed export have increased in response to comments received after the publication of the proposed Order, overall the administrative costs associated with the Order have decreased.

Additionally, prices have been updated to be presented in 2024 Canadian dollars, and the base year to discount costs and benefits to present value has been updated to 2025. In total, these updates led to a decrease in the estimated costs from \$508 000 to \$304 150.

Industry administrative costs

It is estimated that the Order will impose incremental administrative costs on industry attributable to familiarization with the administrative requirements under the ESECLR, and the preparation of notices of proposed export. Total administrative costs to industry are estimated to be about \$13 600 over the period of analysis. See the "One-for-one rule" section for details on administrative costs.

Government administrative costs

The Department is expected to incur incremental costs related to enforcement, reviewing submissions, and conducting compliance and promotion activities. Total costs to government are estimated to be about \$290 500 over a 10-year period.

With respect to enforcement costs, it is expected that there would be costs required to provide training for enforcement officers, as well as costs for equipment and inspections. In total, enforcement costs are estimated at about \$270 850 over a 10-year period. Additionally, there are estimated ongoing costs to the Department for the review of additional notices of proposed exports, as well as one-time costs related to compliance promotion activities intended to encourage the regulated community to achieve compliance. These costs are estimated to be \$10 200, and \$9 450, respectively, over the time frame of analysis.

Environmental benefits to people in Canada

The Order will benefit people in Canada by supporting Canada’s international export obligations under the Rotterdam Convention and Stockholm Convention. Canada’s participation in these international conventions provides benefits to people in Canada by ensuring that chemicals in international trade are used and traded in an environmentally sound manner which reduces damage to the global and domestic environment and ecosystems.

Cost-benefit statement

Number of years: 10 (2025 to 2034)
Dollar year for costing: 2024
Present value year for discounting: 2025
Discount rate: 7%

Table 1: Summary of monetized costs

Monetized impacts	Undiscounted — 2025	Undiscounted — 2030	Undiscounted — 2034	Discounted total	Annualized
Industry costs	900	2 850	2 850	13 600	1 950
Government costs	71 500	34 150	34 150	290 500	41 350
Total costs	72 400	37 000	37 000	304 150	43 300

Note: Values may not add up due to rounding.

Small business lens

Analysis under the small business lens concluded that the Order will not impact Canadian small businesses.

One-for-one rule

The one-for-one rule applies to the Order since there is an incremental increase in the administrative burden on business, and the proposal is considered burden “IN” under the rule. It is assumed that 13 regulated parties will bear a one-time cost of one hour to familiarize themselves with the new controls, and will require ongoing costs ranging from two to four hours annually to submit notices of proposed export. It is estimated that the Order will result in an increase in annualized average administrative costs of approximately \$585, or \$45 per business.⁵

Regulatory cooperation and alignment

The Order aims at ensuring Canada’s continued compliance with the Rotterdam Convention and Stockholm Convention. Substances being added to the ECL are, or will be, prohibited or severely restricted domestically. The Order will make these substances subject to the ESECLR, which sets out, among other things, the conditions relative to the Rotterdam Convention and Stockholm Convention. This regime allows Canada to implement its obligations under these conventions by collecting information required to be shared with Parties and by prohibiting exports that would be non-compliant.

Effects on the environment

The Order has been developed under Canada’s Chemicals Management Plan, a Government of Canada initiative aiming at reducing the risks posed by chemicals to people in Canada and their environment. A strategic environmental assessment was completed in 2011 and concluded that regulatory policies developed under the Chemicals Management Plan are expected to reduce the risks posed by toxic substances. This anticipated outcome is in line with goal 12 of the 2022 to 2026 Federal Sustainable Development Strategy, which relates to managing risks to protect people in Canada from harmful substances.

Gender-based analysis plus

No gender-based analysis plus (GBA+) impacts have been identified for the Order.

Right to a healthy environment

The Government of Canada has a duty, in the administration of CEPA, to protect the right to a healthy environment as provided for under CEPA, subject to reasonable limits. An implementation framework sets out considerations to protect this right and uphold the principles described in the framework.

Work on the Order began before the Framework was published on July 19, 2025. Recognizing that CEPA decisions are informed by analyses and consultations that are often the result of years of work, a transition period is in place to allow Environment and Climate Change Canada and Health Canada to support continued protection of the environment and human health. The objective of the transition period is to continue to advance timely CEPA decisions and actions while consideration of the right to a healthy environment and relevant principles are being fully integrated into the administration of the Act. The Order is proceeding under the transition period referenced in the framework.

The Order will support protection of human health and/or the environment from harmful substances, pollutants, and waste by controlling the export of toxic substances. The Order targets toxic substances that are listed in Schedule 1 of CEPA, and that are among the most harmful to the environment and/or human health, as well as pesticides that pose an unacceptable risk to human health under the PCPA. These substances are generally persistent and bioaccumulative.

Although the Framework was not available to be applied from the beginning of the work undertaken to inform the Order, many of the elements included in the framework were considered. For example, the Department consulted with interested parties, including Indigenous partners (see Consultations).

Implementation, compliance and enforcement, and service standards

The Order will come into force on the day on which the *Prohibition of Certain Toxic Substances Regulations, 2025* come into force. The Department will undertake outreach activities to raise potential stakeholder awareness of the Order and its associated requirements under the ESECLR. The addition of DP to the ECL will come into force on the fifth anniversary of the day on which the *Prohibition of Certain Toxic Substances Regulations, 2025* were published in the *Canada Gazette*, Part II. The Department will also undertake additional outreach activities closer to this deadline to raise potential stakeholder awareness of this addition to the ECL and its associated requirements under the ESECLR.

The Order will be made under CEPA, so enforcement officers will, when verifying compliance, apply the Compliance and Enforcement Policy for CEPA (the Policy). The Policy sets out the range of possible enforcement responses to alleged violations. If an enforcement officer discovers an alleged violation following an inspection or investigation, the officer will choose the appropriate enforcement action based on the Policy.

The Department has an existing compliance promotion program associated with the current ESECLR to control exports, which helps exporters determine whether their export activity is subject to the ESECLR and what their obligations would be. The approach for the Order will include updating the existing guidance document, updating the existing stakeholder database, responding to and tracking inquiries from stakeholders, and reviewing notices of proposed export for completeness, accuracy and compliance with the ESECLR.

When the necessary conditions are met, an exporter should expect acknowledgment of a notice of proposed export within 10 working days of the receipt of the completed notice. The Department will track its performance against the aforementioned service standards.

The performance of the Order will be measured and evaluated through specific outcomes developed in 2018 as part of the implementation strategy for the ECL and ESECLR. The performance of the ECL and ESECLR is assessed annually according to the program evaluation plan. Regular review and evaluation of these performance indicators will allow the Department to evaluate the performance of the ECL and ESECLR in reaching the intended targets.

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Footnotes

a S.C. 2004, c. 15, s. 31

b S.C. 1999, c. 33

1 Although further restrictions on perfluorooctane sulfonate, its salts and its precursors (collectively referred to as PFOS) will apply under the *Prohibition of Certain Toxic Substances Regulations, 2025*, these substances are already listed on the Export Control List.

2 Chemical Abstracts Service Registry Number

3 Also referred to as Dechlorane Plus (DP).

- 4 All values are calculated using 2024 Canadian dollars, and are expressed in present value using a 7% discount rate and a discounting base year of 2025, unless otherwise specified.
 - 5 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 \$583 or \$44.83 per business.
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